



**Somerset**  
REGIONAL COUNCIL

**Minutes of Ordinary Meeting  
Held Wednesday 25 September 2019**

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*Held in the Simeon Lord Room  
Library / Museum Building  
Redbank Street, Esk*

**Present**

Cr G D Lehmann	(Mayor)
Cr D Hall	(Deputy Mayor)
Cr H Brieschke	(Councillor)
Cr C Gaedtke	(Councillor)
Cr M Ogg	(Councillor)
Cr B Whalley	(Councillor)
Mr R Holmes	(Acting Chief Executive Officer)
Mr M McGoldrick	(Director Corporate and Community Services)
Mr A Johnson	(Director Operations)
Mr P Tabulo	(Director Planning and Development)
Mr G Smith	(Director Finance)
Mrs K Jones	(Director HR and Customer Service)
Mrs S Pitkin	(Minute Secretary / Executive Assistant)
Mr B Weier	(Communications and Marketing Manager/)

**Apology**

Cr S Choat	(Councillor)
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**Opening of Meeting**

The Mayor, Cr Graeme Lehmann, opened the meeting at 9 am.

**Leave of Absence**

Cr Sean Choat sought leave of absence from today's Council meeting.

**Resolution**

Moved – Cr Whalley

Seconded – Cr Hall

“THAT Cr Choat be granted leave of absence from today's Council meeting.”

Carried

*Vote - Unanimous*

**Confirmation of Minutes****Resolution**

Moved – Cr Ogg

Seconded – Cr Brieschke

“THAT the Minutes of the Ordinary Meeting held 11 September 2019 as circulated to all Members of Council be confirmed”.

Carried

*Vote - Unanimous*

**Business arising out of minutes of previous meeting**

Nil

**Matters of Public Interest****Cr Gaedtke - Matters of public interest**

29/30 September	Charlotte's Web – Somerset Civic Centre
02 October	Teddy Bears' Picnic – Fernvale
05 October	Back to Jimna and Spring Dance
05 October	Lowood Utes and Chutes Rodeo
12 October	St George's Anglican Church Guild Linville "A"ffair (Fete)

**Busy at Work**

Busy at Work – BUSY is applying for funding to deliver a project under the State Government's Skilling Queenslanders for Work Initiative. The project would be based at the Kilcoy Motorcross Track and would employ 15 disadvantaged job seekers plus a local supervisor plus a project mentor for 26 weeks. Tasks include erecting some shade structures, building seating, erecting fencing, refurbishing the toilet block etc. The participants will receive a weekly wage and undertake Certificate 1 in Construction, and will be supported into ongoing employment at the end of the project. They will also attract a Work Start Incentive (\$10,000 for 25yo+ and \$20,000 for 24yo and under) and commencement is anticipated for March 2020. BUSY is requesting letters of support from local businesses for the program to be successful.

**Withdrawal of funding for Headspace outreach services in Kilcoy**

Cr Gaedtke made the following statement to Council –

*Headspace* have been outreaching to Kilcoy for just over two years. The outreach has been funded by the federal government through the Brisbane North PHN which covers the Kilcoy area. Funding was for 12 months initially and last year it was extended for a further twelve months due to strong support from the school community, service providers and others.

This year the funding has been extended until the end of the calendar year. This funding has been pieced together from residual funding from other programs and there is no other funding available. The organisation has been told to make the outreach self-sustaining, which means getting a registered psychologist or social worker to attend and bulk bill young people through Medicare for mental health care plans. The organisation has been trying constantly for over twelve months to do this, but no allied health professional want to travel to Kilcoy for this amount of funding. Even if they did they would still have to supplement this with top-up funds.

The hospital has been supplying the space free of charge and would continue to do this for another year or so, but more has to be done to maintain this service.

The high school guidance officer, support teacher and Chappy are all supportive of *Headspace's* presence and do not want to see it withdrawn as young people will not be able to access the Caboolture based service. Even if they do have parents who are willing to take them, this means missing a full day of school for each appointment which severely impacts on their capacity to achieve. Kilcoy have no other outreach services which support young people with mild / moderate mental health issues. Withdrawing the service may allow this to escalate to crisis point.

The mental health outreach clinician provides support in Kilcoy approximately 6 days a month. The following numbers identify how many young people have accessed support in Kilcoy - June - 17, July - 21, August – 25. These clients reside in Woolmar, Kilcoy, Royston, Toogoolawah, Mt Kilcoy and Neurum.

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Whalley

“THAT Council write to the Federal Minister for Health the Honourable Greg Hunt MP and the State Minister for Health the Honourable Steven Miles MP, expressing Council’s disappointment with the withdrawal of funding of *Headspace* outreach services for youth in Kilcoy, and advising that Council strongly supports the continued provision of this important service.”

Carried

Vote – Unanimous

**Cr Brieschke - Matters of public interest***September*

Somerset Regional Council’s Holiday Program is in full swing with plenty of activities to attend across the region.

Wed 25 Toogoolawah Christmas Tree meeting.

- Fri 27 6 pm Official opening of the Budding Talents Exhibition at the Somerset Art Gallery The Condensery, Toogoolawah. This exhibition will showcase the region's Senior Visual Arts student work from Kilcoy, Toogoolawah and Lowood. Entry is free, so please come a long to support our young people. RSVP is required for the opening night.
- Sat 28 Relay for Life Event, Fernvale.
- October
- Wed 2 Teddy Bears Picnic, Fernvale Community Hall, 10 am.
- Sat 5 Back to Jimna Reunion, 10 am.

## **Mayor Lehmann – Matters of public interest**

### ***Drought Community Outreach***

Mayor Lehmann reminded the meeting of the Drought Community Outreach event being held at Lowood on 26 September 2019 at Trinity Lutheran Church Hall, Park Street, Lowood and encouraged everyone to spread the word to get as many people as they can to come along.

### ***South East Queensland Round Table***

Mayor Lehmann noted that he will be attending a South-East Queensland Round Table with Minister Tudge at Fernvale Futures later today. This round table was scheduled for yesterday, but due to the Minister's commitments, is now on today. The Mayor advised he will leave Council meeting at 11.45 am, returning about 2.30 pm. At the round table, the Mayor will promote the request for funding for the Brisbane Valley Highway and the proposed Kilcoy Global Foods Migration Program.

Cr Whalley requested that the issue of the Kilcoy Bypass also be raised at this meeting. Cr Ogg supported pressing this issue. Cr Gaedtke raised the matter of effluent from the trucks in Kilcoy. Cr Hall reiterated that Council will continue to push this issue, particularly at the upcoming LGAQ conference.

## **Conflict of Interest**

Cr Brieschke noted that she will have a conflict of interest in the community assistance grant for the Toogoolawah Christmas Tree.

<b>Subject:</b>	<b>Prescribed Activity - Kilcoy Christmas Carnival 2019</b>
<b>File:</b>	<b>Environmental Management - Reports - Environmental Health Reports</b>
<b>Action Officer:</b>	<b>EHO-BW</b>

## **Background/Summary**

Council has received an application from Kilcoy Lions Club Inc to hold a public place activity, specifically a Christmas street carnival, on the northern service road of William Street in Kilcoy. The carnival is proposed for Saturday 7 December 2019. Setup would start at 1 pm, with the event operating from 5 pm until 8 pm. Pack-up and dismantling would take place from 8 pm until 11 pm.

The applicant has advised that 500 persons are expected to attend the event. Entertainment will be provided in the form of amusement rides, performances from local schools and a Santa visit. Food will be provided by mobile food vans. No alcohol will be served at the event.

In addition to closing the northern service road of William Street, the applicant requests approval to close the entrance to Seib Street off the D'Aguilar Highway, as per the attached site plan. This section would provide a flat surface clear of power lines which the applicant would use for amusement rides. The applicant is required to make an application to Council and the Kilcoy Police for consideration for any temporary road closures.

The applicant has advised that further approval for a fireworks display may be sought at a later date provided funding can be secured.

The applicant has requested assistance from Council through the supply of the following equipment:

- 16 wheelie bins;
- Road closure signs;
- Mesh barrier fencing and free-standing bollards.

It is noted that a Christmas street carnival was held in this location with council approval in 2018.

Council regulates this activity through *Local Law No 1 (Administration) 2011*, and *Subordinate Local Law 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011*.

### **Assessment of Application**

Under section 9 of *Local Law No 1 (Administration) 2011*, Council may grant an approval for an application for undertaking regulated activities on local government controlled areas and roads only if it is satisfied that:

Criteria – LL, section 9(1)(a)	If the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme - the separate approval has been granted; and
Officer Comment	The applicant is required to make an application to Council and the Police Department for consideration for any temporary road closures.  All licensable food businesses will be required to provide current Food Licence certificates prior to being confirmed as stall holders at the event. The applicant has advised that no alcohol will be served at the event, therefore a liquor licence will not be required.
Criteria – LL, section 9(1)(b)	The proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
Officer Comment	The applicant will provide additional lighting towers so as to light the event area.  As part of the road closure approval process, the applicant will be required to submit a traffic management plan for council approval.  If approved, conditions of approval will require the applicant to provide copies of the following to Council:

	<p>(a) an engineer's inspection report for each ride; and</p> <p>(b) a Certificate of Registrable Plant for each ride; and</p> <p>(c) a Certificate of Currency for Public Liability Insurance for each ride operator.</p> <p>Issues relating to amenity and environmental nuisance will be addressed below.</p>
Criteria – LL, section 9(1)(c)	If the prescribed activity is the commercial use of a local government controlled area or road - the grant of the approval is consistent with the objective of the local government of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies;
Officer Comment	The applicant has advised that all affected businesses and residences have been approached, with no objections to the activity being received.
Criteria – LL, section 9(1)(d)	The proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
Officer Comment	<i>Subordinate Local Law 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011</i> prescribes criteria for the proposed activity. An assessment against that criterion is provided below.
Criteria – LL, section 9(1)(e)	The grant of the approval would be consistent with the purpose of any relevant local law; and
Officer Comment	The approval would be generally consistent with Council's Local Laws.
Criteria – LL, section 9(1)(f)	If the application relates to trust land - the grant of the approval would be consistent with the terms and conditions of the trust; and
Officer Comment	The event will be held on a Council controlled road and the proposed use is generally consistent with the terms and conditions of the trust.
Criteria – LL, section 9(1)(g)	If the application relates to a prescribed activity mentioned in section 5(b) - the grant of the approval would be consistent with any requirements or criteria specified in the relevant <i>Local Government Act</i> in relation to the approval.
Officer Comment	Not applicable.
Criteria – SLL, section 4(1)	The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.
Officer Comment	No significant disruption is expected to the normal use of William Street

	<p>(D'Aguilar Highway).</p> <p>The applicant is required to make an application to Council and the Police Department for consideration for any temporary road closures. In addition to closing the northern service road of William Street, the applicant requests approval to close the entrance to Seib Street off the D'Aguilar Highway, as per the attached site plan.</p> <p>The applicant will be required to submit a traffic management plan to Council for approval prior to the event.</p>
Criteria – SLL, section 4(2)	There must be a public demand for the prescribed activity in respect of which the approval is sought.
Officer Comment	Kilcoy Lions have advised that all affected businesses and residences have been approached, with no objections to the activity being received.
Criteria – SLL, section 4(3)	The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.
Officer Comment	The area intended for use is suitable for the purposes of a street festival. The road is sealed and gently sloping to the east. Adequate space is available to accommodate the various rides, amusements and food stalls, including the expected number of attendees at the event.
Criteria – SLL, section 4(4)	<p>The prescribed activity must not cause nuisance, inconvenience or annoyance to –</p> <p>(a) The occupier of any land which adjoins the location of the prescribed activity; or</p> <p>(b) Vehicular traffic; or</p> <p>(c) Pedestrian traffic.</p>
Officer Comment	<p>Amplified entertainment will be provided on-stage during the event. This entertainment will last from 5 pm until 8 pm. No amplified sound will be produced after 8 pm.</p> <p>A condition of approval will require that no nuisance, as defined by the <i>Environmental Protection Act 1994</i>, is caused by the event.</p> <p>Vehicular and pedestrian traffic are not expected to be inconvenienced by the event. No significant disruption is expected to the normal use of William Street (D'Aguilar Highway). The applicant will be required to submit a traffic management plan to Council for approval prior to the event.</p>
Criteria – SLL, section 4(5)	The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.
Officer Comment	<p>It is unlikely that the proposed event will unreasonably detract from the amenity of the surrounding area.</p> <p>Conditions of approval would require the applicant to not cause a nuisance as defined in the <i>Environmental Protection Act 1994</i>, and to</p>



	ensure the area is left in a tidy condition after the event has concluded.
Criteria – SLL, section 4(8)	<p>If the prescribed activity is the holding of a public place activity on a local government controlled area or road –</p> <p>(a) The undertaking of the prescribed activity must not generate significant noise, dust, or light pollution or other significantly adverse effects on the surrounding area; and</p> <p>(b) There must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and</p> <p>(c) Adequate provision must exist for the disposal of waste generated by the undertaking of the prescribed activity; and</p> <p>(d) Adequate provision must exist for people and (if relevant) vehicles to enter and leave the site of the prescribed activity.</p>
Officer Comment	<p><i>Noise</i> – noise is likely to be generated through the operation of rides and the amusements throughout the night. In particular, on-stage performances will produce amplified sound from 5 pm until 8 pm. Noise nuisance is considered environmental nuisance, and will be appropriately conditioned if the event is approved.</p> <p><i>Dust</i> – No dust nuisance is expected for this event.</p> <p><i>Light</i> – Additional lighting will be provided for public safety. The applicant will be responsible for positioning this lighting in such a way that does not cause a light nuisance. Light nuisance is considered environmental nuisance, and will be appropriately conditioned if the event is approved.</p> <p>Required numbers for toilets and sanitary conveniences will be conditioned if the event is approved.</p> <p>The applicant has requested that Council provide 16 wheelie bins for use during the event. A requirement for adequate waste facilities will be conditioned if the event is approved.</p> <p>A condition of approval would require a traffic management plan, including a traffic guidance scheme, to be forwarded to Council for approval in advance of the event.</p>

#### Attachments

Site plans provided by the applicant

#### Recommendation

1. THAT Council will assist the Kilcoy Christmas Street Carnival 2019 by supplying 16 community bins for waste disposal and supplying the required number of road closure signs as per the approved traffic management plan ;
2. THAT Council cannot assist with the barrier mesh and free-standing bollards;

3. THAT the Kilcoy Lions Club Inc is required to make an application to Council and the Police Department for consideration for any temporary road closures;
4. THAT Council approve the application to hold a public place activity, subject to the conditions listed below:

No	CONDITIONS																		
<b>1.0</b>	<b>ENVIRONMENTAL/ LOCAL LAW</b>																		
1.1	The approval is limited to the northern service road of William Street in Kilcoy and the northern section of Seib Street, as identified on the approved site plan.																		
1.2	The approval is limited to operation on Saturday 7 December 2019 between the hours of 5 pm and 9 pm. Setup for the event may commence at 1 pm and clean-up must be completed by 11 pm.																		
1.3	The approval holder must: <ul style="list-style-type: none"> <li>• Display the approval in the manner, and at the locations, specified by the local government; and</li> <li>• Produce the approval for inspection by an authorised person on demand.</li> </ul>																		
1.4	The activity must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.																		
1.5	The approval holder must submit a traffic management plan to Council for approval by no later than 25 November 2019.																		
1.6	The activity must not unreasonably detract from the amenity of the area in which the event is located.																		
1.7	The activity must not create a safety risk.																		
1.8	All buildings, structures, vehicles, facilities or equipment used in the operation of the event must be maintained at all times: <ul style="list-style-type: none"> <li>• In good working order; and</li> <li>• In good state of repair; and</li> <li>• In a clean and sanitary condition.</li> </ul>																		
1.9	The approval holder must provide and maintain the following number of toilets and sanitary conveniences: <table border="1" data-bbox="391 1668 1316 1780" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th colspan="3">Males</th> <th colspan="2">Females</th> </tr> <tr> <th>Patrons</th> <th>WC</th> <th>Urinals</th> <th>Hand Basins</th> <th>WC</th> <th>Hand Basins</th> </tr> </thead> <tbody> <tr> <td>&lt;500</td> <td>1</td> <td>2</td> <td>2</td> <td>5</td> <td>2</td> </tr> </tbody> </table>		Males			Females		Patrons	WC	Urinals	Hand Basins	WC	Hand Basins	<500	1	2	2	5	2
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1.10	The approval holder must ensure sufficient lighting and illumination is provided throughout the event area.																		
1.11	The activity must not cause a nuisance as defined by the <i>Environmental Protection Act 1994</i> .																		

1.12	The approval holder must ensure that a food licence issued under the <i>Food Act 2006</i> is obtained (to the extent that it is required) by any entities selling food at the event.
1.13	The approval holder must keep and maintain in and about the event area, adequate waste disposal facilities; for example, bins, that are to be serviced by an appropriately licensed waste contactor.
1.14	The approval holder must ensure that all litter and debris is collected and appropriately disposed of following the closure of the event.
1.15	The approval holder must maintain insurance that is applicable to the activity including without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000. The insurance certificate must cover the permit holder and the Somerset Regional Council against any claims whatsoever arising from the operation of the event. A certificate of currency must list Somerset Regional Council as an interested party and must be submitted to Council prior to the operation of the event.
1.16	The permit holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.  “Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.
1.17	The approval holder must obtain, view and take a copy of an engineer’s inspection report for each ride. A copy of the report is to be provided to Council no later than 25 November 2019.
1.18	The approval holder must ensure that each amusement ride operator supplies a Certificate of Registrable Plant for each ride, issued through Workplace Health and Safety Queensland. A copy of each certificate must be provided to Council no later than 25 November 2019.
1.19	The approval holder must also receive a Certificate of Currency for Public Liability Insurance for each ride operator. A copy of each certificate must be provided to Council no later than 25 November 2019.
<b>2.0</b>	<b>OPERATIONS</b>
2.1	A temporary road closure permit is to be obtained from the Queensland Police Department for the temporary road closure. A copy of the permit must be provided to Council before the commencement of the event.
2.2	A traffic management plan, including a traffic guidance scheme, must be forwarded to Council for approval in advance of the event.

<b>Resolution</b>	Moved – Cr Gaedtke	Seconded – Cr Ogg
	<p>“1. THAT Council will assist the Kilcoy Christmas Street Carnival 2019 by supplying 16 community bins for waste disposal and supplying the required number of road closure signs as per the approved traffic management plan;</p> <p>2. THAT Council cannot assist with the barrier mesh and free-standing bollards;</p> <p>3. THAT the Kilcoy Lions Club Inc is required to make an application to Council and the Police Department for consideration for any temporary road closures;</p> <p>4. THAT Council approve the application to hold a public place activity, subject to the conditions listed below:</p>	

<b>No</b>	<b>CONDITIONS</b>
<b>1.0</b>	<b>ENVIRONMENTAL/ LOCAL LAW</b>
1.1	The approval is limited to the northern service road of William Street in Kilcoy and the northern section of Seib Street, as identified on the approved site plan.
1.2	The approval is limited to operation on Saturday 7 December 2019 between the hours of 5 pm and 9 pm. Setup for the event may commence at 1 pm and clean-up must be completed by 11 pm.
1.3	The approval holder must: <ul style="list-style-type: none"> <li>• Display the approval in the manner, and at the locations, specified by the local government; and</li> <li>• Produce the approval for inspection by an authorised person on demand.</li> </ul>
1.4	The activity must not create a traffic nuisance or increase an existing traffic nuisance or detrimentally affect the efficiency of the road network in which the activity is undertaken.
1.5	The approval holder must submit a traffic management plan to Council for approval by no later than 25 November 2019.
1.6	The activity must not unreasonably detract from the amenity of the area in which the event is located.
1.7	The activity must not create a safety risk.
1.8	All buildings, structures, vehicles, facilities or equipment used in the operation of the event must be maintained at all times: <ul style="list-style-type: none"> <li>• In good working order; and</li> <li>• In good state of repair; and</li> <li>• In a clean and sanitary condition.</li> </ul>
1.9	The approval holder must provide and maintain the following number of toilets and sanitary conveniences:

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1.16	<p>The permit holder must indemnify and keep indemnified, the Somerset Regional Council, their officers, employees and agents (the indemnified) against any or all losses suffered or incurred (except to the extent that any losses are caused through the negligent act or omission of the indemnified) in connection with the erection, existence or operation of the works or activities, the subject of this approval.</p> <p>“Losses” include liabilities, losses, damages, expenses and costs (including legal costs on a full indemnity basis and whether incurred or awarded) of any kind or nature, whether arising in contract or tort (including, but not limited to, negligence) or under a statute; and also include loss or profits, loss of revenue, loss of anticipated saving, loss of opportunity, pure economic loss and loss of data any other consequential special or indirect loss or damage.</p>																							
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1.19	The approval holder must also receive a Certificate of Currency for Public Liability Insurance for each ride operator. A copy of each certificate must be provided to Council no later than 25 November 2019.
<b>2.0</b>	<b>OPERATIONS</b>
2.1	A temporary road closure permit is to be obtained from the Queensland Police Department for the temporary road closure. A copy of the permit must be provided to Council before the commencement of the event.
2.2	A traffic management plan, including a traffic guidance scheme, must be forwarded to Council for approval in advance of the event."  <i>Vote - Unanimous</i>

*Carried*

<b>Subject:</b>	<b>The Joint Standing Committee on Migration - Submission - Somerset Regional Council and Kilcoy Pastoral Company</b>
<b>File Ref:</b>	<b>The Joint Standing Committee on Migration</b>
<b>Action Officer:</b>	<b>DPAD</b>

### Background/Summary

In early August 2019 the Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs, the Hon David Coleman MP, asked the Joint Standing Committee on Migration to inquire into and report on migration in regional Australia.

The Committee invited interested persons and organisations to make submissions addressing one or more of the terms of reference by Friday, 20 September 2019.

### Terms of Reference

"The Joint Standing Committee on Migration shall inquire into and report on the breadth of migrant settlement strategies and migration settings – including for skilled and humanitarian migrants – in regional Australia, with reference to:

- National and international best practice strategies to encourage people to settle and stay in regional areas;
- Strategies to develop regional skilled migration;
- Strategies to develop regional humanitarian migration;
- Key local, state and federal initiatives for successful regional settlement outcomes;
- Local volunteers, employers and community organisations and their role in facilitating regional settlement;
- Relevant migration policy, including administration and state specific migration mechanisms;
- Related infrastructure matters; and
- Any other related matter.

The Committee shall give particular consideration to how communities and settlement services can best assist migrants to gain successful employment outcomes in regional Australia, including local work experience opportunities, skills certification and training, knowledge of Australian workforce regulations, accommodation and travel to and from the workplace.”

Since the calling for Submissions the Council together with Kilcoy Pastoral Company have been liaising and working together to prepare a joint submission.

### **Submission Summary**

The main conclusions of the submission were as follows:

- Somerset Regional Council's area economy has a current and increasing meat processing sector, the single largest sector in the region, which has a high dependency on migrant workers.
- Kilcoy Pastoral Company in Kilcoy is an ever-growing business and needs an increased workforce to meet demand now and into the future.
- Kilcoy Pastoral Company has a proven track record of successfully welcoming, educating, training and integrating overseas workers into the community of Kilcoy and has done for more than 15 years.
- Kilcoy Pastoral Company is a growing business, has expanded operations significantly over the past 15 years and anticipates further growth into the future in establishing the business as a food solutions provider, moving from the conventional food processor style of operation.
- Kilcoy Pastoral Company Limited continues to provide recruitment opportunities and job security to local employees but needs assistance in increasing its overall candidate pool.
- With increased migrant levels it is considered that support should come from the Federal Government to provide financial assistance directly to local government, community groups or the business to help with the delivery of hard and soft infrastructure items and services.
- Such assistance is a tangible demonstration to the community of the positive outcomes of high migrant levels.

### **Conclusion**

On Wednesday 18 September the Mayor and the CEO of Kilcoy Pastoral Company signed the submission. It was subsequently lodged with the Committee Secretary - Joint Standing Committee on Migration.

### **Attachments**

- Covering letter - Somerset Regional Council - Kilcoy Pastoral Company Joint Submission – Regional Migration
- Submission – Regional Migration - Somerset Regional Council - Kilcoy Pastoral Company

<b>Recommendation</b>
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1. THAT Council endorses the action of the Mayor in signing the Submission to the Joint Standing Committee on Migration, prepared in conjunction with Kilcoy Pastoral Company; and
2. THAT Council endorses the action of the Chief Executive Officer in lodging the Submission with the Joint Standing Committee.

**Resolution**

Moved – Cr Hall

Seconded – Cr Ogg

- “1. THAT Council endorses the action of the Mayor in signing the Submission to the Joint Standing Committee on Migration, prepared in conjunction with Kilcoy Pastoral Company; and
2. THAT Council endorses the action of the Chief Executive Officer in lodging the Submission with the Joint Standing Committee.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Development Application No 18610 - Application for a Development Permit for Reconfiguring a Lot by Subdivision (three into six lots) and Access Easements</b>
<b>File No:</b>	<b>DA18610</b>
<b>Action Officer:</b>	<b>PO - RC</b>

**1.0 APPLICATION SUMMARY****Subject Land**

Location	196 Banks Creek Road, Fernvale
Real Property Description	Lots 3 and 4 on SP304386 Lot 5 on SP307617 Lot 2 on SP304386 (Access easement only)
Combined Site area	7.75 hectares
Current land use	Vacant

**Somerset Region Planning Scheme Version Three**

Zone	General residential
Precinct	Park residential

**ShapingSEQ**

Land Use Category	Urban Footprint
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**Application**

Proposed Development	Reconfiguring of three existing lots into six lots and Creation of access easements
Category of Assessment	Code
Applicant/s	M Johnson
Applicants contact details	C/- 196 Banks Creek Road Fernvale QLD 4306
Date application received	11 July 2019
Date properly made	11 July 2019



<b>Referral Agencies</b>	Nil
<b>Public Notification</b>	Not applicable

## RECOMMENDED DECISION

Approve the Development Application No 18610 subject to the requirements and conditions contained in the Schedules and Attachments.

## 2.0 PROPOSAL

The applicant proposes to reconfiguring the existing lots to create six Park residential lots and access and service easements. The applicant has not proposed further improvement works or additional land uses as part of this application. The proposed plan of subdivision is provided at Attachment 1.

Details of the proposed lots are as follows:

Proposed Lot	Proposed Area
Proposed Lot 3A	10,866.961m <sup>2</sup>
Proposed Lot 3B	15,036.168m <sup>2</sup>
Proposed Lot 4A	8,317.025m <sup>2</sup>
Proposed Lot 4B	17,385.265m <sup>2</sup>
Proposed Lot 5A	10,414.587m <sup>2</sup>
Proposed Lot 5B	15,483.998m <sup>2</sup>

The proposed development complies with the minimum lot sizes and dimensions as stipulated in the Planning Scheme and the proposed subdivision will be carried out in stages.

All proposed lots have access to Banks Creek Road. Proposed Lots 3B, 4B and 5B are battle-axe blocks, with Lot 3B accessed and benefitted by a proposed access easement burdening on the adjoining lot, Lot 2 on SP304386. The access handles for proposed Lots 4B and 5B will be adjoining each other, forming an 8m wide access handle with a combined cross-easements over each respectively lots.

## 3.0 SITE DETAILS AND SURROUNDING USES

The subject sites are large semi-rural residential properties with their boundaries defined by Banks Creek Road to the north and west and an existing access easement to the east. The site contains sparse vegetation scattered through the site. The site is currently not improved by buildings or structures.

The surrounding land uses of the site are predominately Park residential uses, consisting of variety of lot sizes.

## 4.0 STATE ASSESSMENT

### 4.1 Vegetation Management Act 1999

As per the Department of State Development, Manufacturing, Infrastructure and Planning's Development Assessment Mapping System, the site contains regulated vegetation but does not require further referral pursuant to the *Planning Regulation 2017*.

#### 4.2 Environmental Protection Act 1994

The site is not listed on the Contaminated Land Register or the Environmental Management Register.

#### 5.0 COUNCIL ASSESSMENT

An assessment against the relevant parts of the planning scheme is set out below.

##### 5.1 Strategic Framework

An assessment against the Strategic Framework was not required as the proposed development is not an impact assessable development.

##### 5.2 Code Compliance Summary

Applicable Code	Compliance with Overall Outcomes	Performance Outcomes
Reconfiguring a lot code	Yes	Alternative solutions provided for PO1, PO3 and PO11
Services, works and infrastructure code	Yes	Complies
Transport, access and parking code	Yes	Complies
Biodiversity overlay code	Yes	Alternative solutions provided for PO5, PO6 and PO14
Bushfire hazard overlay code	Yes	Complies
Landslide hazard overlay code	Yes	Complies

##### Reconfiguring a lot code

<b>Performance outcomes</b>	<b>Example</b>
<b>Lot size and subdivision design</b>	
<b>PO1</b> <i>Lot size and dimensions:</i> (a) provide sufficient area for the siting and construction of buildings and structures; (b) provide for safe vehicular and pedestrian access; (c) respond appropriately to site characteristics including slope of the land and topography; and (d) are consistent with the intended character of the zone.	<b>AO1.2</b> <i>Lots in the General residential zone, Rural residential zone and Emerging community zone have an average slope of less than 12.5 percent.</i>
<b>Performance Outcome Assessment</b>	
The proposed lots have varying slopes between less than 10% to 25% or more.	
The applicant has provided a Geotechnical Report to support the application confirming the proposed lots can sustain a Dwelling house and therefore, a building envelope/footprint is not required for each of the lots.	
The Report will be included as a condition requiring the proposed subdivision to be carried	

out generally in accordance with.	
<p><b>PO3</b> Reconfiguration retains and protects significant features, including, but not limited to:</p> <p>(a) significant vegetation and habitat links/corridors; (b) wetlands, waterbodies and watercourses; (c) cultural features; and (d) natural contours of the land</p>	<p><b>AO3.1</b> No acceptable outcome provided.</p>
<p><b>Performance Outcome Assessment</b></p> <p>The applicant has provided a Koala/Fauna management inspection site report to support the proposed development. In the support Report, it has not identified distinct nor significant environmental habitat structures.</p>	
<p><b>PO11</b> Rear <i>lot</i> access is appropriately managed to reduce vehicular conflict and provide legal access.</p>	<p><b>AO11.2</b> The maximum length of an access handle for a rear allotment is 50 metres.</p>
<p><b>Performance Outcome Assessment</b></p> <p>The applicant has proposed access handles for the rear allotments in excess of 50m. All proposed allotments will be provided with legal access.</p> <p>To mitigate any potential vehicular conflict on the long driveway, conditions have been included requiring the access handle be the following standards:</p> <ul style="list-style-type: none"> <li>• Minimum 8m wide access easement;</li> <li>• Minimum 3m sealed width</li> <li>• Minimum 5.5m sealed width at the entry for a minimum of 8m into the property;</li> <li>• Minimum 5.5m sealed width and 10m long passing bay approximately 50m to 60m along the access; and</li> <li>• That the access be sealed with a minimum of a two-coat bitumen seal, asphalt, or concrete.</li> </ul>	

### Biodiversity overlay code

<b>Performance outcomes</b>	<b>Examples</b>
<b>Biodiversity Corridors -rehabilitation and revegetation</b>	
<p><b>PO5</b> Development provides for land identified as containing a Biodiversity Corridor on <b>Biodiversity overlay maps OM003a-b</b> to be restored and enhanced so as to contribute towards a functional and connected network of viable habitat areas.</p> <p><i>Note – where an environmental offset</i></p>	<p><b>AO5.1</b> Development provides for cleared, degraded or disturbed areas identified as containing a Biodiversity Corridor on <b>Biodiversity overlay maps OM003a-b</b> to be rehabilitated or allowed to regenerate naturally.</p> <p><b>AO5.2</b> Development provides for locally native</p>

<p><i>applies, restoration and enhancement activities are to be included as a requirement of a Direct Benefit Management Plan under the Queensland Environmental Offsets Policy.</i></p>	<p>plant species to be predominantly used in the revegetation and landscape planting on the site.</p> <p><b>AO5.3</b> Development provides for revegetation and landscape planting that does not use declared or environmental weeds.</p>
<p><b>Biodiversity Corridors –unimpeded movement for wildlife</b></p>	
<p><b>PO6</b> Unimpeded movement of fauna within and through the site via Biodiversity Corridors identified on <b>Biodiversity overlay maps OM003a-b</b> are maintained.</p> <p><i>Note - A supporting Ecological Site Assessment is prepared in accordance with <b>SC6.1 - Planning Scheme Policy 1 – Ecological Site Assessment Guidelines.</b></i></p>	<p><b>AO6.1</b> Where within a Biodiversity Corridor identified on <b>Biodiversity overlay maps OM003a-b</b>, fauna movement is maintained by:</p> <p>(a) retaining bands of vegetation at least 200 metres wide on a site; and (b) buildings, structures are not located within retained vegetation bands.</p>
<p><b>Koalas</b></p>	
<p><b>PO14</b> <i>Development</i> is sufficiently setback and minimises impacts on koalas, koala habitat values, and koala habitat connectivity and employs measures to manage impacts on koala biodiversity values.</p> <p><i>Note - Koalas are listed as vulnerable under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). Referral under the EPBC is required for certain actions.</i></p> <p><i>Note - Where a suitably qualified person demonstrates that the mapped koala habitat values attributed to the site are not present on the site the above performance outcome may not apply (subject to Council discretion).</i></p>	<p><b>Where in a Primary Habitat Area</b> <b>AO14.1</b> No clearing of <i>native vegetation</i> is undertaken within areas mapped as bushland koala habitat – primary habitat areas on <b>Biodiversity overlay maps OM-003c-d</b>, except in the <i>urban area</i> and only where it is demonstrated that there is no alternative to its removal and where <i>koala habitat trees</i> are incorporated into the proposed site layout.</p> <p><b>Where in a Secondary Habitat Area</b> <b>AO14.2</b> No acceptable outcome provided.</p> <p><b>Where for Reconfiguring a Lot</b> <b>AO14.4</b> A minimum setback of 50 metres is provided between a new boundary created by <i>reconfiguring a lot</i> and areas mapped as bushland koala habitat on <b>Biodiversity overlay maps OM-003c-d</b>.</p>
<p><b>Performance Outcome Assessment</b></p>	
<p>The site is affected by koala Primary and Secondary habitat areas. An Ecological Report was submitted to Council as a response to Council’s information request in regard to the existing biodiversity value of the site. The submitted Ecological Report states that there is no ecological significance in the site for koalas and other native species.</p>	

## 6.0 OTHER PLANNING CONSIDERATIONS

### 6.1 Environment

The proposal will not lead to environmental degradation and as such there are no environmental considerations for the proposal.

### 6.2 Heritage

There are no known heritage places within or adjoining the site area.

### 6.3 Infrastructure

Conditions will be included requiring the proposed development to be connected with all relevant infrastructures such as the electricity and telecommunication networks.

### 6.4 Infrastructure Charges

As the site is located within the Urban Footprint and the Public Parks and Community Land Service Catchment, infrastructure charges for Stormwater network, Parks and Open space and Transport network.

A draft Infrastructure Charge notice prepared in accordance with Council's Infrastructure Charges Register No 1 (2019) has been provided as Attachment 2.

## 7.0 STATE AGENCY REFERRALS

There were no applicable referral agencies to this application, in accordance with the provisions of the *Planning Regulation 2017*.

## 8.0 CONCLUSION

The proposed development is intended to create further park residential allotments. The application complies with relevant acceptable outcomes of the assessment benchmarks and is considered worthy of support.

## 9.0 ATTACHMENTS

1. Proposed Sub-Division Plan, Prepared by CMM at Marshall Drafting Services, Drawing Number WD-01, Job Number 19012, Version E, Dated 9 July 2019.
2. Draft SRC Infrastructure Charges Notice

## RECOMMENDED DECISION

1. THAT Council approve the Development Application No 18610 for a Development Permit for a Reconfiguring a Lot by Subdivision (three into six lots) and Creation of Access Easements on land described as Lots 2, 3 and 4 on SP304389 and Lot 5 on SP307617 and situated at 196 Banks Creek Road, Fernvale subject to the requirements and conditions contained in the Schedules and Attachments.
2. THAT Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting	At all times

	documentation and the plan(s) listed below, except where amended by these conditions of approval.	
	Proposed Sub-Division Plan, Prepared by CMM at Marshall Drafting Services, Drawing Number WD-01, Job Number 19012, Version E, Dated 9 July 2019.	
	Traffic Report for proposed Lots 4B and 5B, Prepared by RD at Barker Ryan Stewart Engineers Pty Ltd, Reference: CC190106, Dated 8 August 2019.	
	Traffic Report for proposed Lot 3B, Prepared by RD at Barker Ryan Stewart Engineers Pty Ltd, Reference: CC190106, Dated 9 August 2019.	
	RMA Soils Report, Soils – 196 Banks Creek Road Fernvale, Prepared by DC at RMA Soils Pty Ltd, Project Number 14924.	
	Koala/Fauna management inspection site report, Prepared by Bemrose Wildlife, Prepared on 19 June 2019.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times
1.3	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to Plan of Subdivision Endorsement Request
1.4	A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Survey Plan and the work must be certified in writing.	Prior to Plan of Subdivision Endorsement Request
1.5	The Applicant is to complete each stage of the development in a sequence generally in accordance with the following: <ul style="list-style-type: none"> <li>• Stage 1 – Create proposed Lot 3A and Lot 3B and associated access and service easement benefiting Lot 3B;</li> <li>• Stage 2 – Create proposed Lots 4A and 4B and associated access and service easements benefitting Lots 4B and 5B</li> <li>• Stage 3 – Create Lots 5A and 5B</li> </ul>	As indicated
1.6	Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Natural Resources, Mines and Energy.  Currently, the amount is set at \$36 per allotment.	Prior to Plan of Subdivision Endorsement for each stage
1.7	Submit a Site and Soil Evaluation report to Seqwater for review and endorsement, for each of the lots, prior to commencement of dwelling construction. Site and Soil Evaluation reports must be prepared by a suitably qualified wastewater consultant. On-site wastewater facilities must achieve a risk rating of 'Medium' or below under Seqwater's Land Use Risk Tool.	Prior to the commencement of building works for the dwellings

1.8	In lieu of the provision of Building Location Envelopes on each of the lots, in order to locate all activities appropriately and in compliance with the <i>Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments 2017</i> , future development (i.e. dwellings, on-site wastewater management, sheds etc) on each of the lots must achieve the following: <ul style="list-style-type: none"> <li>• Development is sited in a predominantly cleared area, not necessitating further clearing of mature vegetation on the site;</li> <li>• Any essential removal of vegetation is limited to areas demonstrating a gradient of no more than 15% and is not undertaken within the 1% AEP flood level (per Acceptable Outcome AO6.1 of the Seqwater Guidelines); and</li> <li>• All earthworks, excavation and filling is limited to areas demonstrating a gradient of no more than 15% and is not undertaken within the 1% AEP flood level (per Acceptable Outcome AO13.1 of the Seqwater Guidelines).</li> </ul>	Prior to the commencement of building works for the dwellings
1.9	Should any earthworks be required to formalise the reconfiguration of lots, an Erosion and Sediment Control Plan is submitted to Council, compliant with Acceptable Outcomes AO7.1 – AO7.2 of the <i>Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments 2017</i> and any relevant Council standards.	Prior to any earthworks conducted on-site
1.10	The Bushfire hazard affecting the site, for proposed Lots 3A and 3B necessitates that a Bushfire report is required and any recommendations agreed to and instituted prior to the approval of a dwelling. The Report is to be prepared by a suitably qualified person in accordance with the State Planning Policy Natural Hazards, Risk and Resilience – Technical Manual – A ‘fit for purpose’ approach in undertaking natural hazard studies and risk assessments and the CSIRO (2013) Methodology for assessing the Queensland state-wide bushfire hazard.	Prior to building approval for the construction of a dwelling on lots 3A or 3B.
<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to Plan of Subdivision Endorsement Request
2.2	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	Prior to Plan of Subdivision Endorsement Request
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved	Prior to Plan of Subdivision

	development.	Endorsement Request
2.4	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times
	<b>Operational Work application</b>	
2.5	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, access, clearing and stormwater drainage required as stated in the following conditions for access to lots 4B and 5B.	Prior to the commencement of Operational Work
2.6	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>• Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>• Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to commencement of Operational Work
	<b>General Services</b>	
2.7	Submit development applications to the relevant Energy and Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection.	Prior to Plan of Subdivision Endorsement Request for each stage
2.8	Connect the development to a reticulated water supply, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.  Where proposed allotments front existing overhead electricity or telecommunication service, these lots may connect direct to such service to the approval and requirements of the service provider.	Prior to Plan of Subdivision Endorsement Request for each stage
2.9	The applicant must provide written evidence (eg connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Plan of Subdivision Endorsement Request for each stage
2.10	The applicant must provide conduits for underground water supply electricity and telecommunications, installed for the full length of the access handle for proposed lots 3B, 4B, and 5B,	Prior to Plan of Subdivision Endorsement



	as required by the regulation authority.	Request for each stage
	<b>Building above Flood Level</b>	
2.11	<p>The current Defined Flood Event (DFE) is 41.6 m elevation level and the following must be achieved:</p> <ul style="list-style-type: none"> <li>• Floor heights for habitable areas shall be a minimum of 800mm above the Defined Flood Event (DFE). The current DFE + 800mm is the 42.4 m AHD.</li> <li>• Floor heights for non-habitable buildings (except for buildings classified under the Building Code of Australia as Class 7a or Class 10) shall be a minimum of the DFE.</li> </ul>	At all times
	<b>Vehicle access</b>	
2.12	All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Design Standards</i> .	Prior to Plan of Subdivision Endorsement Request
2.13	The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards	At all times
2.14	<p>The Applicant is to construct a vehicle access for proposed lot 3B in accordance with Council's standard drawing SRC-ROAD-016 and include:</p> <ul style="list-style-type: none"> <li>• Minimum 8m wide access easement with;</li> <li>• Minimum 3m sealed width with;</li> <li>• Minimum 5.5m sealed width at the entry for a minimum of 6m into the property and;</li> <li>• Minimum 5.5m sealed width and 10m long passing bay approximately 50-60m along the access;</li> <li>• The access is to be sealed with a minimum of a two-coat bitumen seal, asphalt, or concrete.</li> </ul>	Prior to Plan of Subdivision Endorsement Request relevant to the proposed Lot 3B
2.15	Make an Access Application to Council and pay the required fees where an application involves works required as stated in the conditions for lot 3B.	Prior to Commencement of Access works
2.16	<p>The Applicant is to construct a vehicle access for proposed lot 4B and 5B in accordance with Council's standard drawing SRC-ROAD-016 and include:</p> <ul style="list-style-type: none"> <li>• Minimum 8m wide access easement with;</li> <li>• Minimum 3m sealed width with;</li> <li>• Minimum 5.5m sealed width at the entry for a minimum of 6m from the road carriageway into the property and;</li> <li>• Minimum 5.5m sealed width and 10m long passing bay approximately 50-60m along the access;</li> <li>• The access is to be sealed with a minimum of a two-coat</li> </ul>	As part of Operational Works

	bitumen seal, asphalt, or concrete.	
	<b>Easements</b>	
2.17	Dedicate an easement to permit access to proposed Lot 3B.  All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.	As part of Stage 1
2.18	Dedicate an easement to permit access to proposed Lot 4B and 5B.  All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.	As part of Stage 3
	<b>Stormwater</b>	
2.19	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.20	Convey stormwater flows through the development from the upstream catchment.	At all times
	<b>Erosion and sediment control</b>	
2.21	Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will: <ul style="list-style-type: none"> <li>• Be required to install additional measures</li> <li>• Be responsible for the restoration work.</li> </ul> Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.	At all times
<b>SCHEDULE 3 – ADVICE</b>		
<i>Assessment Manager</i>		
This approval has effect in accordance with the provisions of section 71 of the <b>Planning Act 2016</b> . [A copy of section 71 will be enclosed with the Decision Notice].		
<b>Currency Period</b> - Pursuant to section 85 of the <i>Planning Act 2016</i> the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being four (4) years starting the day the approval takes effect.		
This approval requires Council to approve a plan of subdivision before the plan can be registered or otherwise recorded, pursuant to Part 9. Section 69 of the <b>Planning Regulation 2017</b> .		
The applicant may make representations ( <b>change representations</b> ) about a matter in this development application within the <b>applicant's appeal period</b> under the process established in chapter 3, part 5, subdivision 1 of the <i>Planning Act 2016</i> .		

The <i>Planning Act 2016</i> provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.
The form <b><i>Application to Approval Plan of Subdivision</i></b> [version 1.0 effective 3 July 2017] must be completed by the person requesting development assessment of this conditional approval. The form must be submitted to Council and must be accompanied by the relevant fees, and a compliance summary of development conditions. If there is insufficient space on the form, the person must attach extra pages outlining compliance.
Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.
The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.
Any further developments of the site may require further approvals.
All Operational Work is to comply with relevant codes for design and construction.
Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.
It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.
The Fire Ant Restricted Area as well as general information can be viewed on the DAF website <a href="http://www.daf.qld.gov.au/fireants">www.daf.qld.gov.au/fireants</a>

**Attachments for the Decision Notice include:**

- Proposed Sub-Division Plan, Prepared by CMM at Marshall Drafting Services, Drawing Number WD-01, Job Number 19012, Version E, Dated 9 July 2019.
- Traffic Report for proposed Lots 4B and 5B, prepared by RD at Barker Ryan Stewart Engineers Pty Ltd, Reference: CC190106, Dated 8 August 2019.
- Traffic Report for proposed Lot 3B, prepared by RD at Barker Ryan Stewart Engineers Pty Ltd, Reference: CC190106, Dated 9 August 2019.
- RMA Soils Report, Soils – 196 Banks Creek Road Fernvale, Prepared by DC at RMA Soils Pty Ltd, Project Number 14924
- Koala/Fauna management inspection site report, prepared by Bemrose Wildlife, Prepared on 19 June 2019.

<b>Resolution</b>	Moved – Cr Hall	Seconded – Cr Brieschke
	“1. THAT Council approve the Development Application No 18610 for a Development Permit for a Reconfiguring a Lot by Subdivision (three into six lots) and Creation of Access Easements on land described as Lots 2, 3 and 4 on SP304389 and Lot 5 on	

SP307617 and situated at 196 Banks Creek Road, Fernvale subject to the requirements and conditions contained in the Schedules and Attachments.

2. THAT Council report for this application be published to the website as Council's Statement of Reasons in accordance with the s63(5) of the *Planning Act 2016*.

### SCHEDULE 1 – GENERAL CONDITIONS

Assessment Manager

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Proposed Sub-Division Plan, Prepared by CMM at Marshall Drafting Services, Drawing Number WD-01, Job Number 19012, Version E, Dated 9 July 2019.	
	Traffic Report for proposed Lots 4B and 5B, Prepared by RD at Barker Ryan Stewart Engineers Pty Ltd, Reference: CC190106, Dated 8 August 2019.	
	Traffic Report for proposed Lot 3B, Prepared by RD at Barker Ryan Stewart Engineers Pty Ltd, Reference: CC190106, Dated 9 August 2019.	
	RMA Soils Report, Soils – 196 Banks Creek Road Fernvale, Prepared by DC at RMA Soils Pty Ltd, Project Number 14924	
	Koala/Fauna management inspection site report, Prepared by Bemrose Wildlife, Prepared on 19 June 2019.	
1.2	Comply with the relevant provisions of the Somerset Region Planning Scheme, Planning Scheme Policies and Local Laws.	At all times
1.3	Pay to Council any outstanding rates or charges or expenses that are a charge over the subject land levied by Council; and/or levied but not fully paid over the subject land.	Prior to Plan of Subdivision Endorsement Request
1.4	A Licensed Surveyor must install new Survey Marks in their correct positions in accordance with the Survey Plan and the work must be certified in writing.	Prior to Plan of Subdivision Endorsement Request
1.5	The Applicant is to complete each stage of the development in a sequence generally in accordance with the following: <ul style="list-style-type: none"> <li>• Stage 1 – Create proposed Lot 3A and Lot 3B and associated access and service easement benefiting Lot 3B;</li> <li>• Stage 2 – Create proposed Lots 4A and 4B and associated access and service easements benefiting Lots 4B and 5B;</li> <li>• Stage 3 – Create Lots 5A and 5B.</li> </ul>	As indicated

1.6	<p>Pay to Council the applicable amount at the time of request for plan of subdivision endorsement for the issue of new valuations by the Department of Natural Resources, Mines and Energy.</p> <p>Currently, the amount is set at \$36 per allotment.</p>	Prior to Plan of Subdivision Endorsement for each stage
1.7	<p>Submit a Site and Soil Evaluation report to Seqwater for review and endorsement, for each of the lots, prior to commencement of dwelling construction. Site and Soil Evaluation reports must be prepared by a suitably qualified wastewater consultant. On-site wastewater facilities must achieve a risk rating of 'Medium' or below under Seqwater's Land Use Risk Tool.</p>	Prior to the commencement of building works for the dwellings
1.8	<p>In lieu of the provision of Building Location Envelopes on each of the lots, in order to locate all activities appropriately and in compliance with the <i>Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments 2017</i>, future development (i.e. dwellings, on-site wastewater management, sheds etc) on each of the lots must achieve the following:</p> <ul style="list-style-type: none"> <li>• Development is sited in a predominantly cleared area, not necessitating further clearing of mature vegetation on the site;</li> <li>• Any essential removal of vegetation is limited to areas demonstrating a gradient of no more than 15% and is not undertaken within the 1% AEP flood level (per Acceptable Outcome AO6.1 of the Seqwater Guidelines); and</li> <li>• All earthworks, excavation and filling is limited to areas demonstrating a gradient of no more than 15% and is not undertaken within the 1% AEP flood level (per Acceptable Outcome AO13.1 of the Seqwater Guidelines).</li> </ul>	Prior to the commencement of building works for the dwellings
1.9	<p>Should any earthworks be required to formalise the reconfiguration of lots, an Erosion and Sediment Control Plan is submitted to Council, compliant with Acceptable Outcomes AO7.1 – AO7.2 of the <i>Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments 2017</i> and any relevant Council standards.</p>	Prior to any earthworks conducted on-site
1.10	<p>The Bushfire hazard affecting the site, for proposed Lots 3A and 3B necessitates that a Bushfire report is required and any recommendations agreed to and instituted prior to the approval of a dwelling. The Report is to be prepared by a suitably qualified person in accordance with the State Planning Policy Natural Hazards, Risk and Resilience – Technical Manual – A 'fit for purpose' approach in undertaking natural hazard studies and risk assessments and the CSIRO (2013) Methodology for assessing the Queensland state-wide bushfire hazard.</p>	Prior to building approval for the construction of a dwelling on lots 3A or 3B.

<b>SCHEDULE 2 – ENGINEERING</b>		
<i>Assessment Manager</i>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
2.1	Bear the costs of works carried out to Council and utility services infrastructure and assets, including any alterations and repairs resulting from compliance with these conditions.	Prior to Plan of Subdivision Endorsement Request
2.2	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	Prior to Plan of Subdivision Endorsement Request
2.3	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to Plan of Subdivision Endorsement Request
2.4	All works are to be designed and constructed in accordance with the requirements of the <i>Somerset Regional Council Design Standards</i> .	At all times
<b>Operational Work application</b>		
2.5	Make an Operational Work application to Council and pay the required fees where an application involves earthworks, erosion and sediment control, access, clearing and stormwater drainage required as stated in the following conditions for access to lots 4B and 5B.	Prior to the commencement of Operational Work
2.6	It is required that the design and construction of civil components of the Operational Work are to be certified by a Registered Professional Engineer Queensland (RPEQ), including: <ul style="list-style-type: none"> <li>• Plans and specifications must be prepared and certified with the Operational Work application.</li> <li>• Certification that the works have been undertaken in accordance with the approved plans, specifications and to Council's requirements.</li> </ul>	Prior to commencement of Operational Work
<b>General Services</b>		
2.7	Submit development applications to the relevant Energy and Telecommunications regulatory authority to either obtain design layout plans or certification letters to Council that any existing infrastructure or wayleaves are to their satisfaction and that they can provide services when required at the cost of a normal house connection.	Prior to Plan of Subdivision Endorsement Request for each stage
2.8	Connect the development to a reticulated water supply, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to each allotment.	Prior to Plan of Subdivision Endorsement Request for each stage

	Where proposed allotments front existing overhead electricity or telecommunication service, these lots may connect direct to such service to the approval and requirements of the service provider.	
2.9	The applicant must provide written evidence (eg connection certificate) from each particular service provider stating either that each lot has been connected to applicable service, is available at a standard connection, or has a current supply agreement.	Prior to Plan of Subdivision Endorsement Request for each stage
2.10	The applicant must provide conduits for underground water supply electricity and telecommunications, installed for the full length of the access handle for proposed lots 3B, 4B, and 5B, as required by the regulation authority.	Prior to Plan of Subdivision Endorsement Request for each stage
	<b>Building above Flood Level</b>	
2.11	The current Defined Flood Event (DFE) is 41.6 m elevation level and the following must be achieved: <ul style="list-style-type: none"> <li>• Floor heights for habitable areas shall be a minimum of 800mm above the Defined Flood Event (DFE). The current DFE + 800mm is the 42.4 m AHD.</li> <li>• Floor heights for non-habitable buildings (except for buildings classified under the Building Code of Australia as Class 7a or Class 10) shall be a minimum of the DFE.</li> </ul>	At all times
	<b>Vehicle access</b>	
2.12	All vehicular access shall provide convenient and safe access and egress from the site in accordance with <i>Somerset Regional Council Design Standards</i> .	Prior to Plan of Subdivision Endorsement Request
2.13	The landowner is responsible for maintenance of vehicular access for the property, from the road carriageway to property boundary in accordance with Council's Policy and Standards	At all times
2.14	The Applicant is to construct a vehicle access for proposed lot 3B in accordance with Council's standard drawing SRC-ROAD-016 and include: <ul style="list-style-type: none"> <li>• Minimum 8m wide access easement with;</li> <li>• Minimum 3m sealed width with;</li> <li>• Minimum 5.5m sealed width at the entry for a minimum of 6m into the property and;</li> <li>• Minimum 5.5m sealed width and 10m long passing bay approximately 50-60m along the access;</li> <li>• The access is to be sealed with a minimum of a two-coat bitumen seal, asphalt, or concrete.</li> </ul>	Prior to Plan of Subdivision Endorsement Request relevant to the proposed Lot 3B
2.15	Make an Access Application to Council and pay the required	Prior to

	fees where an application involves works required as stated in the conditions for lot 3B.	Commencement of Access works
2.16	<p>The Applicant is to construct a vehicle access for proposed lot 4B and 5B in accordance with Council's standard drawing SRC-ROAD-016 and include:</p> <ul style="list-style-type: none"> <li>• Minimum 8m wide access easement with;</li> <li>• Minimum 3m sealed width with;</li> <li>• Minimum 5.5m sealed width at the entry for a minimum of 6m from the road carriageway into the property and;</li> <li>• Minimum 5.5m sealed width and 10m long passing bay approximately 50-60m along the access;</li> <li>• The access is to be sealed with a minimum of a two-coat bitumen seal, asphalt, or concrete.</li> </ul>	As part of Operational Works
	<b>Easements</b>	
2.17	<p>Dedicate an easement to permit access to proposed Lot 3B.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p>	As part of Stage 1
2.18	<p>Dedicate an easement to permit access to proposed Lot 4B and 5B.</p> <p>All easement documentation shall be prepared by the proponent in a form satisfactory to Council's Solicitor.</p>	As part of Stage 3
	<b>Stormwater</b>	
2.19	Stormwater Drainage and flows are to have a no worsening effect on adjoining, upstream, or downstream landholders.	At all times
2.20	Convey stormwater flows through the development from the upstream catchment.	At all times
	<b>Erosion and sediment control</b>	
2.21	<p>Erosion and sedimentation controls shall be implemented, as necessary, and shall be maintained to Council's satisfaction at all times during the course of the project. Should Council determine that proposed controls are ineffective or a downstream drainage system has become silted, the developer will:</p> <ul style="list-style-type: none"> <li>• Be required to install additional measures;</li> <li>• Be responsible for the restoration work.</li> </ul> <p>Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.</p>	At all times
<b>SCHEDULE 3 – ADVICE</b>		
<i>Assessment Manager</i>		



This approval has effect in accordance with the provisions of section 71 of the **Planning Act 2016**. [A copy of section 71 will be enclosed with the Decision Notice].

**Currency Period** - Pursuant to section 85 of the *Planning Act 2016* the approval will lapse if the first change of the use under the approval does not start within the 'currency period' – being four (4) years starting the day the approval takes effect.

This approval requires Council to approve a plan of subdivision before the plan can be registered or otherwise recorded, pursuant to Part 9. Section 69 of the **Planning Regulation 2017**.

The applicant may make representations (**change representations**) about a matter in this development application within the **applicant's appeal period** under the process established in chapter 3, part 5, subdivision 1 of the *Planning Act 2016*.

The *Planning Act 2016* provides for a person to make a change to this development application outside the applicant's appeal period, following the process outlined in chapter 3, part 5, subdivision 2 of the Act.

The form **Application to Approval Plan of Subdivision** [version 1.0 effective 3 July 2017] must be completed by the person requesting development assessment of this conditional approval. The form must be submitted to Council and must be accompanied by the relevant fees, and a compliance summary of development conditions. If there is insufficient space on the form, the person must attach extra pages outlining compliance.

Landowners are responsible for the construction and maintenance of any vehicular access for the property, from the road carriageway to property boundary in accordance with Council's standards. Approval is to be sought from Council and the landowner must advise all potential purchasers accordingly.

The Plan of Subdivision will not be released until all works are completed to Council's satisfaction or uncompleted works are suitably bonded.

Any further developments of the site may require further approvals.

All Operational Work is to comply with relevant codes for design and construction.

Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence.

It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23.

The Fire Ant Restricted Area as well as general information can be viewed on the DAF website [www.daf.qld.gov.au/fireants](http://www.daf.qld.gov.au/fireants)

*Carried*

Vote - Unanimous

<b>Subject:</b>	<b>Development Application No 8957 - - Request to extend Currency Period to Development Approval for DA8957 under section 86 of the <i>Planning Act 2016</i>; and - Request to Change Development Approval for DA8957 under section 81 of the <i>Planning Act 2016</i></b>
<b>File No:</b>	<b>DA8957</b>
<b>Action Officer:</b>	<b>PO-RC</b>

## 1.0 APPLICATION SUMMARY

### Subject Land

Location	Fox Street, Fernvale
Real Property Description	Lot 152 on F33616
Area	9.203 hectares

### Original Planning Scheme Information

Planning scheme	Former Esk Shire Planning Scheme 2005 (as amended)
Zone	Town
Precinct	Residential

### Current Planning Scheme Information

Planning Scheme	Somerset Region Planning Scheme Version Three
Zone	General residential

### ShapingSEQ

Land Use Category	Urban Footprint
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### Application

Original Category of Assessment	Code
Original Date of Approval	26 May 2010
Original Approval	Development Permit for Reconfiguring a Lot by Subdivision for one lot into 108 lots over four stages
Applicant Details	James Underwood c/- James Underwood and Associates Pty Ltd GPO Box 745 Brisbane QLD 4001
Date application received	1 November 2018
Date application mad	1 November 2018

### State Agency Referrals

Concurrence Agency	The State Assessment and Referral Agency on behalf of the Department of State Development, Manufacturing, Infrastructure and Planning
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### Applicable Variation Approval

1. A Permissible Change to DA8957 was approved by Council on 31 August 2015 to amend conditions of the original development permit.

## RECOMMENDED DECISION

1. THAT Council approve the request to extend the currency period for Development Approval No 8957 for a further two years, up to and including 11 September 2021.

2. THAT Council approve the request to change the Development Approval No DA8957 subject to the conditions contained in the Schedules and Attachments.

## **2.0 BACKGROUND TO APPROVAL**

On 26 May 2010, Council approved DA8957 for Development Permit for Reconfiguring a Lot by subdivision for one lot into 108 lots over four stages. Subsequently on the 27 October 2010, Council issued a Negotiated Decision Notice for the Development Permit.

On 23 August 2012, Council approved DA11607 for Development Permit for Operational Works for Stages 1 and 2.

On 26 August 2015, Council approved a request to extend the currency period for an additional three years for both DA8957 and DA11607 and a permissible change to change the conditions of the original development approval.

The applicant has now requested for to extend to the currency period for DA8957 development approval for an additional four years.

## **3.0 THE CURRENT APPROVAL**

The approved subdivision is to be delivered over four stages in the subject site, creating 108 lots (107 residential lots and a stormwater detention drainage reserve). The subject site is located within the Fernvale Urban Footprint and will be connected to the reticulated sewer and water supply networks, electricity supply and telecommunication networks.

The approved lots' sizes are predominately between 600m<sup>2</sup> to 765m<sup>2</sup>. The development features an internal road network with two separate access points at Fox Street/Macaulay Street to the north and Chatham Street to the south.

The approved Plan of Subdivision and Staging plan have been provided at Attachments 1 and 2.

## **4.0 PLANNING CONSIDERATIONS**

Section 86 of the *Planning Act 2016* (the Act) provides the opportunity for applicant to seek an extension to the relevant period of development approvals, preventing the application from lapsing.

Pursuant to s87 of the Act, Council as the assessment manager may consider any matter considered to be relevant, even if the matter was not relevant at the time of assessing the original development application.

The request to extend the currency period was made to Council on 1 November 2018. Council officers advised the applicant on 20 November 2018 that Council is seeking further information to support the extension request, in particular a response to the Biodiversity and Bushfire hazard overlays identified on the site by the current version of the Planning Scheme. At the time of the initial assessment of the development applications, both overlays were not identified by the then superseded Esk Shire Planning Scheme 2006.

Responding to Council's information request, the applicant provided an Ecological and Bushfire Hazard Assessment Report to support the proposed application. Both reports have provided responses and addressed the relevant overlays criteria and have provided

recommendations that mitigates any potential impact.

#### 4.1 Planning officer comments

Council officers have reviewed the information provided by the applicant and are satisfied with the applicant's response. To ensure the development be carried generally in accordance with the Ecological and Bushfire Hazard Assessment Report, Condition 1.1 will be amended to include the Report.

Additional conditions related to the provision of a landscaping plan and vegetation management plan for the proposed development will also be included in the amended Schedule of Conditions.

As the subject site adjoins the Brisbane Valley Rail Trail, a condition will be inserted requiring the provision of a pedestrian path, connecting the residential development and the Rail Trail. The proposed pedestrian path is to be located between the proposed Lot 18 and the detention basin.

In terms of Council's current planning policy and desired land use pattern for the site, the approved subdivision is consistent with Council's planning intent as expressed in the Strategic Framework of the Planning Scheme and that the approved design is consistent with the minimum lot size and dimension as prescribed in Table 9.4.3B of the Reconfiguring a Lot code for the General residential zone. Officer is also satisfied the approved conditions are consistent with current planning laws and Council's planning policies.

If an identical application be submitted under the current planning regime, the application would be code assessable.

The applicant has requested an extension to the development permit for an additional four years. However, given the age of the development, an extension of two years to the currency period would be more consistent with Council's current policy regarding extension to currency period applications to other similar subdivision approvals in the region.

A Change application was made in accordance with s78 and s79 of the Act to include the amended and additional conditions in the Schedule of Conditions.

It is considered the proposed changes satisfies with the requirements and represents a minor change that can be assessed under the provisions of s81 of the Act.

Therefore, Condition 1.1 will be amended to be read as follows:

No	Condition	Timing
1.1	Carry out the development generally in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval.	At all times
	Plan of Development – Drawing No 33051_2S_08 – prepared by M.J. Hedges Geomeasure - dated 16.07.10.	
	Preliminary Staging Plan – Drawing No 5008-090602-SK09 – prepared by Henwood Consulting Engineers.	
	Ecological and Bushfire Hazard Assessment Report, Prepared by AS at Rob Friend and Associates Pty Ltd, Revision No. 01, Dated 17 June 2019.	

The following conditions will also be inserted to the Schedule of Conditions:

No.	Condition	Timing
	<b>Footpath</b>	
1.10	Provide a concrete footpath between proposed Lot 18 and Lot 108 (Stormwater detention basin) with a minimum width of 1.5 metres, from the residential estate to the Brisbane Valley Rail Trail, in accordance with the relevant Somerset Regional Council standard drawing.	Prior to commencement of use
	<b>Landscaping</b>	
1.11	<p>The developer must submit to Council for endorsement, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below:</p> <ul style="list-style-type: none"> <li>• Comply with the <i>Somerset Regional Council Design Standards</i>;</li> <li>• To enhance the appearance of the development internally and externally;</li> <li>• To make a positive contribution to the streetscape;</li> <li>• To screen unsightly objects from public view;</li> <li>• To contribute to an environment by providing shade to reduce glare, heat absorption and radiation;</li> <li>• To ensure common areas are useable;</li> <li>• To provide long term erosion protection;</li> <li>• To integrate with existing vegetation and other natural features of the site and adjoining lands; and</li> <li>• To provide adequate vehicle sightlines and road safety.</li> </ul> <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> <li>• The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site;</li> <li>• The number and size of plants;</li> <li>• The typical planting detail including preparation, backfill, staking and mulching;</li> <li>• The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing;</li> <li>• All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period;</li> <li>• Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work;</li> <li>• Landscaping provided within the front boundary</li> </ul>	As part of the Operational Works

	<p>setback of the subject land and around car parking areas within the subject land must allow visibility into the site by:</p> <ul style="list-style-type: none"> <li>○ Using trees which have a clean trunk height of at least 1.8 metres (at maturity);</li> <li>○ Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines;</li> <li>● A minimum of 70% of landscaped areas must be retained as a permeable surface;</li> <li>● Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times.</li> </ul>	
1.12	The development must submit a Vegetation Management Plan prior to the commencement of the Operational Works.	Prior to the commencement of the Operational Works

## 5.0 REFERRAL AGENCY

The *Planning Act 2016* does not require applicants to seek advice from relevant referral agency when seeking to extend the currency period of the development approval. The Act also stipulate that the referral agency is not considered as an affected entity of the minor change. As such, no comments or conditions have been sought from the Agency. However, the Act does require Council, after deciding the extension application, give a decision notice to relevant agency.

## 6.0 CONCLUSION

The Extension to currency period request has been assessed and the approvals remain consistent with Council's current planning policy and desired land use pattern for the site. Therefore, it is considered reasonable to extend the currency period for an additional 2 years up to and including 11 September 2021.

The proposed changes are also considered to be of a minor change under the relevant sections of the *Planning Act 2016* and the Development Assessment Rules. The proposed change will not trigger assessment against additional assessment benchmarks or non-compliance with the original assessment benchmarks. The proposed changes have been considered against the applicable legislation and planning instrument. Therefore, it is recommended that the application be approved, subject to revised conditions.

## 7.0 ATTACHMENTS

1. Approved Plan of Subdivision.
2. Approved Staging Plan.

## RECOMMENDED DECISION

1. THAT Council approve the Extension to the currency period under section 86 of the *Planning Act 2016* for Development Approval No 8957 on land described as Lot 152 on F33616 and situated at Fox Street, Fernvale subject to the conditions contained in the Schedules and Attachments.
2. THAT Council approve the Change application under section 81 of the *Planning Act 2016* for Development Approval No 8957 on land described as Lot 152 on F33616 and

situated at Fox Street, Fernvale subject to the conditions contained in the Schedules and Attachments.

<b>SCHEDULE 1 – GENERAL CONDITIONS</b>		
<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Plan of Development – Drawing No 33051_2S_08 – prepared by M.J. Hedges Geomeasure - dated 16.07.10. Preliminary Staging Plan – Drawing No 5008-090602-SK09 – prepared by Henwood Consulting Engineers. Ecological and Bushfire Hazard Assessment Report, Prepared by AS at Rob Friend and Associates Pty Ltd, Revision No. 01, Dated 17 June 2019.	At all times
1.2	Comply with relevant provisions of the Former Shire of Esk Planning Scheme 2005, Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be available on the premises at all times during construction.	At all times
1.4	Pay to Council any outstanding charges or expenses levied by Council over the subject land.	Prior to endorsement of the Plan of subdivision
1.5	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	Prior to endorsement of the plan of subdivision for each Stage
1.6	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to commencement of the use
1.7	Unless otherwise approved in writing by the Manager, Planning and Development, hours of construction shall be:  Monday to Saturday: 6.30 am to 6 pm  Construction work shall not occur on the premises outside the above hours.	At all times
1.8	All trade materials; products and plant shall be neatly stored within the confines of the building and/or approved storage areas.	At all times
1.9	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to commencement of operational works

	<b>Footpath</b>	
1.10	Provide a concrete footpath between proposed Lot 18 and Lot 108 (Stormwater detention basin) with a minimum width of 1.5 metres, from the residential estate to the Brisbane Valley Rail Trail, in accordance with the relevant Somerset Regional Council standard drawing.	Prior to Council's endorsement of the Plan of subdivision for Stage 2
	<b>Landscaping</b>	
1.11	<p>The developer must submit to Council for endorsement, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below:</p> <ul style="list-style-type: none"> <li>• Comply with the <i>Somerset Regional Council Design Standards</i>;</li> <li>• To enhance the appearance of the development internally and externally;</li> <li>• To make a positive contribution to the streetscape;</li> <li>• To screen unsightly objects from public view;</li> <li>• To contribute to an environment by providing shade to reduce glare, heat absorption and radiation;</li> <li>• To ensure common areas are useable;</li> <li>• To provide long term erosion protection;</li> <li>• To integrate with existing vegetation and other natural features of the site and adjoining lands; and</li> <li>• To provide adequate vehicle sightlines and road safety.</li> </ul> <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> <li>• The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site;</li> <li>• The number and size of plants;</li> <li>• The typical planting detail including preparation, backfill, staking and mulching;</li> <li>• The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing;</li> <li>• All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period;</li> <li>• Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work;</li> <li>• Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into</li> </ul>	As part of the Operational Works for all stages



	<p>the site by:</p> <ul style="list-style-type: none"> <li>○ Using trees which have a clean trunk height of at least 1.8 metres (at maturity);</li> <li>○ Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines;</li> <li>• A minimum of 70% of landscaped areas must be retained as a permeable surface;</li> <li>• Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times.</li> </ul>	
1.12	The development must submit a Vegetation Management Plan prior to the commencement of the Operational Works.	Prior to the commencement of the Operational Works for all stages
<b>SCHEDULE 2 – PLANNING</b>		
<b>No.</b>	<b>Condition</b>	<b>Timing</b>
<i>Amenity</i>		
2.1	The approved use shall not cause any adverse impact on the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	At all times
2.2	All buildings, structures, fittings, fixtures and grounds are maintained: <ul style="list-style-type: none"> <li>• In a serviceable condition, and</li> <li>• In a state of good repair and efficient action, and</li> <li>• In a clean, sanitary condition, and</li> <li>• Free of accumulated disused materials, and</li> <li>• Free of vermin and pest infestations.</li> </ul>	At all times
2.3	No dumping or storage of construction material or spoil is permitted on the adjacent closed rail corridor land at any time.	At all times
2.4	Any disturbance to the adjacent closed rail corridor land (future Brisbane Valley Rail Trail) caused by approved filling or excavation worked for services is minimised, managed and remediated to ensure the restoration of the existing rail embankment, its associated topography and substrate structure.	At all times
2.5	All drainage works are designed, constructed and operated to avoid disturbance to the closed rail corridor land.	At all times
2.6	Lot 108 as show on the submitted drawing number - 33051-2S-08 is to be dedicated as a drainage reserve at no cost to Council.	Prior to the endorsement of the Plan of subdivision for Stage 1

<i>General Services</i>		
2.7	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to the staged development.	Prior to Compliance Assessment Request for each stage
<b>SCHEDULE 3 – ENGINEERING</b>		
<i>General</i>		
3.1	Make an operational works application to Council and pay the required fees where an application involves any of the following, car parks, road works, water supply, sewerage connections and stormwater drainage. Operational Works applications can be lodged all at once or separately for Stages 1 and 2 combined and then stages 3 and 4 combined.	Prior to Council's endorsement of the Plan of subdivision
3.2	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	Prior to Council's endorsement of the Plan of subdivision for each Stage
3.3	Submit a list of road names for all new roads, along with the reasons for selecting such names, for the road names to be considered and approved by Council.  The proponent is responsible for the cost of road signs and installation. Street nameplates are to comply with Council's standards; please contact Council's Technical Officer A Bickerton regards this standard.	Within six weeks of this DA approval becoming effective
<b>Monetary Contributions / Headworks / Securities</b>		
<i>Sewerage Headworks</i>		
3.4	Pay to the Central SEQ Distribution-Retailer Authority (QUU) at the rate applicable at time of payment, the sewerage headworks contribution towards the cost of augmenting the sewerage scheme for 107 lots.	Prior to Council's endorsement of the Plan of subdivision at each Stage
3.5	Construct a 300mm diameter sewer trunk main from point A to point B as identified on Sketch 5008-100729-SK01. The full cost associated with provision of the 300mm main, less the cost of providing a 150mm main of the same length, shall be fully creditable against Sewerage Headworks paid by the developer to the Central SEQ Distribution-Retailer Authority (QUU) as Condition 3.4.	Prior to Council's endorsement of the Plan of subdivision
<i>Water Supply Headworks</i>		
3.6	Pay to the Central SEQ Distribution-Retailer Authority (QUU) at the rate applicable at time of payment, the water supply headworks contribution towards the cost of augmenting the water supply scheme for 107 lots.	Prior to Council's endorsement of the Plan of subdivision at each Stage
3.7	Construct a 300mm diameter water trunk main from point C to point D as identified on Sketch 5008-100729-SK01. The full	Prior to Council's endorsement of the

	cost associated with provision of the 300mm main, less the cost of providing a 150mm main of the same length, shall be fully creditable against Water Supply Headworks paid by the developer to the Central SEQ Distribution-Retailer Authority (QUU) as required by Condition 3.6.	Plan of subdivision
	<i>House Numbering</i>	
3.8	Pay to Council at the rate applicable at the time of payment, the current rate of \$45 per allotment for the supply and erection of house numbers on each new created allotment, giving a total of \$4,815 for 107 lots, OR alternatively install a plate on the kerb and channel to denote the street number of each lot.	Prior to Council's endorsement of the Plan of subdivision for each Stage
<b>SCHEDULE 4 - OPERATIONAL WORKS</b>		
<i>General</i>		
4.1	A certificate shall be issued by a RPEQ certifying that the work has been constructed in accordance with Council construction standards and in compliance with the construction plans and specifications. All work shall be supervised by a RPEQ competent in the construction of the works. Council may request evidence of the principal contractor's competency. It is expected that the RPEQ will undertake all the necessary inspections to validate the certification.	Upon completion of the Operational works
<i>Roads</i>		
4.2	Fox Street is to be constructed to provide an 8 metre seal width with type M3 kerb and channel on both sides.	Prior to Council's endorsement of the Plan of subdivision for Stage 1
4.3	Chattam Street is to be constructed to provide a 6 metre seal width with type M3 kerb and channel on the subject property side. This road is to be constructed to allow for future widening to a 10 metre seal width, with the road centreline on the road reserve centreline.	Prior to Council's endorsement of the Plan of subdivision for Stage 4
4.4	Clive Street is to have type B1 kerb installed for the full frontage of this development to tie in neatly with the kerb to be constructed in Fox and Chattam Street. This road is to be constructed to allow for future widening to a 12 metre seal width, with the road centreline on the road reserve centreline. The area of road between the existing seal and new kerb is to be sealed.	Prior to Council's endorsement of the Plan of subdivision for Stage 1
4.5	Install all traffic signs in accordance with the Manual of Uniform Traffic Control Devices.	Prior to Council's endorsement of the Plan of subdivision for each Stage
4.6	Provide 6m x 3 chord truncations on property boundaries at all road intersections.  Remove all improvements and obstructions from the area of	Prior to Council's endorsement of the Plan of subdivision at each Stage

	the corner truncation(s) and area of dedicated road.	
<i>Footpaths</i>		
4.7	Provide a concrete footpath along the Eastern side of McCauley Street with a width of 1.5 metres, from Fox Street to Erskine Street, in accordance with Somerset Council's standard drawing Esk-Road-026.	Prior to Council's endorsement of the Plan of subdivision for Stage 2
4.8	Provide a concrete footpath along the Southern side of Fox Street with a width of 1.5 metres, from Clive Street to McCauley Street, in accordance with Somerset Council's standard drawing Esk-Road-026.	Prior to Council's endorsement of the Plan of subdivision for Stage 2
4.9	Provide a concrete footpath along Chattam Street with a width of 1.5 metres, from the Western entry to the railway reserve, in accordance with Somerset Council's standard drawing Esk-Road-026.	Prior to Council's endorsement of the Plan of subdivision for Stage 4
<i>Street Lighting</i>		
4.10	<p>The developer will supply underground power so that it is available to each allotment and install street lighting in accordance with AS1158 – Code of Practices for Public Lighting as follows:</p> <ul style="list-style-type: none"> <li>i) Local streets and minor collectors (1 to 300 lots) – Lighting Category P5</li> <li>ii) Trunk collectors greater than 300 lots Lighting Category P4.</li> </ul> <p>Install all street lighting on the same side as footpaths, where applicable.</p> <p>Obtain certification of street lighting installation by a RPEQ.</p>	Prior to Council's endorsement of the Plan of subdivision for each Stage
<i>Sewerage Supply</i>		
4.11	<p>Connect the staged development to the Central SEQ Distribution-Retailer Authority (QUU) sewer infrastructure and pay the prescribed fee to QUU.</p> <p>Submit plans and pay the prescribed fee to the Central SEQ Distribution-Retailer Authority (QUU) for the compliance assessment of a gravitational sewerage supply with appropriate house connection branches, designed so as to command the whole of each of the proposed lots with appropriate pump stations and manholes in accordance with the Sewerage Code of Australia WSA Code WSA-02.</p> <p>All work on live sewer mains is to be carried out by Central SEQ Distribution – Retailer Authority (QUU).</p>	Prior to compliance assessment request
4.12	Construct the approved sewerage supply and submit as constructed drawings certified by a RPEQ that the work has been constructed in accordance with the approved plans.	Prior to Council's endorsement of the Plan of subdivision at each Stage

	The works will be then placed on maintenance for a period of 12 months after payment of a maintenance bond being 5% of the cost of the work.	
4.13	<p>Submit to and have approved by, the Central SEQ Distribution–Retailer Authority (QUU) a sewerage reticulation analysis report that demonstrates that the proposed pipe sizes and connection points are adequate for the total upstream catchment and the proposed development.</p> <p>Undertake all works (internal and external) as detailed in the approved sewer reticulation analysis to the satisfaction of the Central SEQ Distribution–Retailer Authority (QUU) unless otherwise approved in writing.</p>	Prior to Compliance Assessment Request for each stage
4.14	Works within property under separate private ownership require the consent of the relevant property owner. The applicant is requested to obtain and forward to the Central SEQ Distribution–Retailer Authority (QUU) the written consent of the property owner of land under separate private ownership through which sewerage infrastructure is proposed to be constructed to connect to existing infrastructure. The developer should clearly identify on the development plan the location of the proposed sewer reticulation extension and connection point to the existing sewer reticulation system.	Prior to Compliance Assessment Request
<i>Water Supply</i>		
4.15	<p>Connect the staged development to the Central SEQ Distribution-Retailer Authority (QUU) water infrastructure and pay the prescribed fee to QUU.</p> <p>Submit and have approved by the Central SEQ Distribution–Retailer Authority (QUU) a water reticulation analysis report that demonstrates that the proposed pipe sizes are adequate for the proposed development.</p> <p>Undertake all works (internal and external) as detailed in the approved water reticulation analysis to the satisfaction of the Central SEQ Distribution–Retailer Authority (QUU) unless otherwise approved in writing.</p>	Prior to Compliance Assessment Request for each stage
4.16	<p>Provide an agreed Water Reticulation Plan to service the staged development to the satisfaction of the Central SEQ Distribution – Retailer Authority (QUU).</p> <p>Submit plans to the Central SEQ Distribution–Retailer Authority (QUU) of any necessary valves and fire hydrants, in accordance with the Water Supply Code of Australia WSA Code WSA-03, which connects into the existing reticulation system.</p>	Prior to Compliance Assessment Request
4.17	Construct the approved water reticulation mains and submit to the Central SEQ Distribution–Retailer Authority (QUU) as constructed drawings certified by a RPEQ that the work has	Prior to Compliance Assessment Request of each

	been carried out in accordance with the approved plans.	stage
4.18	Supply and install all service conduits required in connection with the development prior to completion of road works and footpaths. Service conduits are to be installed under roads and concrete footpaths where required.	Prior to Council's endorsement of the Plan of subdivision for each Stage
4.19	Place blue raised pavement markers on the centreline of the road opposite each fire hydrant and where serviced by kerb and channel, place brass water and electricity markers in the kerb line at each service crossing.	Prior to Council's endorsement of the Plan of subdivision for each Stage where applicable
<i>Easements</i>		
4.20	<p>Provide an easement over stormwater drains, water mains and sewerage rising mains located within private property.</p> <p>The easement widths may vary but must extend to include top of batters of open drains and/or flood paths and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property.</p> <p>The easement is to be dedicated at no cost to Council.</p> <p>The proponent in a form satisfactory to Council's Solicitor shall prepare all easement documentation.</p> <p><i>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property</i></p>	Prior to Council's endorsement of the Plan of subdivision
4.21	Dedicate land subject to flooding during 100 year ARI flood event as an easement for drainage purposes or open space. The easement is to be dedicated at no cost to Council. The proponent, in a form satisfactory to Council's Solicitor, shall prepare all easement documentation. This condition does not apply to land that is to be dedicated to Council as drainage reserve (i.e. proposed Lot 108).	Prior to Council's endorsement of Plan of subdivision
<i>Stormwater Management</i>		
4.22	Implement stormwater drainage in accordance with Council's Planning Scheme Policy No 6 – Standards for Treatment of Stormwater Drainage and the accompanying stormwater drainage assessment report.	Prior to Council's endorsement of the Plan of subdivision for each Stage
4.23	<p>Implement stormwater management treatments in accordance with the Queensland Urban Drainage Manual so that the following measures are achieved:</p> <p>i) Stormwater avoids point discharge and is taken to field risers, rubble pits, kerb and channel and Council's stormwater system, ultimately discharging without effecting buildings, causing ponding, erosion or</p>	Prior to Council's endorsement of the Plan of subdivision for each Stage

	nuisance; and ii) Stormwater drainage is directed to a lawful point of discharge.	
4.24	Where stormwater cannot be discharged to the kerb and channel provide inter-allotment drainage designed in accordance with QUDM.	Prior to Council's endorsement of the Plan of subdivision for each Stage where applicable
4.25	Provide certification from a qualified Stormwater Engineer/Scientist that the stormwater management treatment train in the approved SBSMP and associated design drawings has been installed on site and is functioning as designed.	Upon completion of the Operational Works
4.26	Fill, compact and grade all low lying land being subdivided to ensure each allotment is drained adequately by gravitation to the drainage system within the subdivision.	Prior to Council's endorsement of the Plan of subdivision at each Stage
4.27	Connect the approved development to underground electricity / telecommunications infrastructure in accordance with acceptable standards of the relevant regulatory authority or have the work bonded.	Prior to Council's endorsement of the Plan of subdivision for each Stage
<i>NRM Issues</i>		
4.28	The contractor shall implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings for this development. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the Operational Works
<i>Restoration Work at Developer's Expense</i>		
4.29	(a) Should Council determine that erosion or sediment damage has occurred on the site, or  (b) a downstream drainage system has become silted, the developer will be responsible for the restoration work.  Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.	Restoration work will be completed within fourteen days from the time of notification
<b>SCHEDULE 5 – REFERRAL AGENCY</b> <b>DEPARTMENT OF TRANSPORT AND MAIN ROADS</b> <i>Concurrence Agency Status</i> Agency Response: Recommend Conditions Apply		
4.1	The Department of Transport and Main Roads is a concurrence agency under the Integrated Planning Regulation 1998 for the purposes of the Transport Infrastructure Act 1994. The DTMR has assessed the impact of the proposed development on the State-controlled road network and requires Council to include the 'conditions of	

	development' in the Schedules of Approval as indicated on the attached Statement of Reasons. Reference: E74391 830/424 DCT4612 P77141 BRIS-2478, dated 12 March 2010.
4.2	The Department of Main Roads Agency Response (Conditions and Statement of Reasons) will be attached to Council's Decision Notice for DA8957.
4.3	Department of State Development Infrastructure and Planning (DSDIP) response dated 15 August 2014 referenced SPD-0714-009338.
<b>SCHEDULE 5</b>	
<b>ADVISORY NOTES</b>	
This approval has effect in accordance with the provisions of Section 3.5.19 of the <i>Integrated Planning Act 1997</i> .	
All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act 1995</i> (as amended) and the workplace Health and Safety Regulation 1997 (as amended).	
All Operational Work is to comply with relevant codes for design and construction.	
The Sustainable Planning Act 2009 (SPA) states that any change to the use or the scale or intensity of the approved use requires the submission of a new development application and subsequent development approval.	
All building work is to comply with the provisions contained in the <i>Building Act</i> ; the <i>Building Regulation</i> , the <i>Building Code of Australia</i> , the <i>Queensland Development Code</i> and relevant <i>Australian Standards</i> .	
Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.	
The Applicant has the Right of Appeal to the Planning and Environment Court regarding the conditions of this approval.	
Should the Applicant notify Council in writing that the conditions of approval are accepted without dispute and that the right of appeal to the Court will not be exercised, the Decision Notice may be taken to be the development permit.	
All plumbing and drainage work is to comply with the provisions contained in the <i>Queensland Sewerage and Water Supply Act</i> ; <i>Standard Sewerage Law</i> and the <i>Standard Water Supply Law</i> ; the relevant Australian Standards including AS/NZS 3500 – 1998 – National Plumbing and Drainage Code and Council Policies and requirements.	
The Plan of Survey for each Stage will not be released until all applicable works for that stage are completed or if not completed are suitably bonded and approved by Council.	
The completion of relevant documentation and a pre start meeting with Council's Technical Officer, supervising Engineer and the Contractor is required prior to any works starting at the site.	
Any vegetation removed must be disposed of by:	
<ul style="list-style-type: none"> <li>• Milling;</li> </ul>	



- Chipping and/or mulching;

Other waste, generated as a result of the operational works must be disposed of to an approved disposal facility via an approved waste receptacle and/or collection service.

Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from the Manager of Operations if in his opinion a dust nuisance exists.

Upon receiving the certification by a RPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".

Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.

At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".

<b>Resolution</b>	Moved – Cr Gaedtke	Seconded – Cr Ogg
	<p>"1. THAT Council approve the Extension to the currency period under section 86 of the <i>Planning Act 2016</i> for Development Approval No 8957 on land described as Lot 152 on F33616 and situated at Fox Street, Fernvale subject to the conditions contained in the Schedules and Attachments.</p> <p>2. THAT Council approve the Change application under section 81 of the <i>Planning Act 2016</i> for Development Approval No 8957 on land described as Lot 152 on F33616 and situated at Fox Street, Fernvale subject to the conditions contained in the Schedules and Attachments.</p>	

#### **SCHEDULE 1 – GENERAL CONDITIONS**

<b>No</b>	<b>Condition</b>	<b>Timing</b>
1.1	Carry out the development in accordance with the material contained in the development application, supporting documentation and the plan(s) listed below, except where amended by these conditions of approval. Plan of Development – Drawing No 33051_2S_08 – prepared by M.J. Hedges Geomeasure - dated 16.07.10. Preliminary Staging Plan – Drawing No 5008-090602-SK09 – prepared by Henwood Consulting Engineers. Ecological and Bushfire Hazard Assessment Report, Prepared by AS at Rob Friend and Associates Pty Ltd, Revision No. 01, Dated 17 June 2019.	At all times
1.2	Comply with relevant provisions of the Former Shire of Esk Planning Scheme 2005, Planning Scheme Policies and Local Laws.	At all times
1.3	A legible copy of this development approval package is to be	At all times

	available on the premises at all times during construction.	
1.4	Pay to Council any outstanding charges or expenses levied by Council over the subject land.	Prior to endorsement of the Plan of subdivision
1.5	Meet the cost of all works carried out to infrastructure, services and public utilities, including any alterations resulting from compliance with these conditions whether carried out by Council, or otherwise.	Prior to endorsement of the plan of subdivision for each Stage
1.6	Repair any damage to Council infrastructure that occurs during any works carried out in association with the approved development.	Prior to commencement of the use
1.7	Unless otherwise approved in writing by the Manager, Planning and Development, hours of construction shall be:  Monday to Saturday: 6.30 am to 6 pm  Construction work shall not occur on the premises outside the above hours.	At all times
1.8	All trade materials; products and plant shall be neatly stored within the confines of the building and/or approved storage areas.	At all times
1.9	Obtain Council approval for the demolition or removal of any existing buildings on site necessary for the approved development to proceed.	Prior to commencement of operational works
	<b>Footpath</b>	
1.10	Provide a concrete footpath between proposed Lot 18 and Lot 108 (Stormwater detention basin) with a minimum width of 1.5 metres, from the residential estate to the Brisbane Valley Rail Trail, in accordance with the relevant Somerset Regional Council standard drawing.	Prior to Council's endorsement of the Plan of subdivision for Stage 2
	<b>Landscaping</b>	
1.11	The developer must submit to Council for endorsement, a Landscape Plan for all landscaping associated with the development. The plan must be prepared by a suitably qualified and experienced Landscape Architect, horticulturist, or other person experienced in landscape design and construction. The Landscape Plan must address the performance criteria listed below: <ul style="list-style-type: none"> <li>• Comply with the <i>Somerset Regional Council Design Standards</i>;</li> <li>• To enhance the appearance of the development internally and externally;</li> <li>• To make a positive contribution to the streetscape;</li> <li>• To screen unsightly objects from public view;</li> </ul>	As part of the Operational Works for all stages

	<ul style="list-style-type: none"> <li>• To contribute to an environment by providing shade to reduce glare, heat absorption and radiation;</li> <li>• To ensure common areas are useable;</li> <li>• To provide long term erosion protection;</li> <li>• To integrate with existing vegetation and other natural features of the site and adjoining lands; and</li> <li>• To provide adequate vehicle sightlines and road safety.</li> </ul> <p>The Landscape Plan must also detail:</p> <ul style="list-style-type: none"> <li>• The typical species to be planted, consisting mainly of drought-tolerant species suitable to their individual location on site;</li> <li>• The number and size of plants;</li> <li>• The typical planting detail including preparation, backfill, staking and mulching;</li> <li>• The developer must prepare and landscape the site in accordance with the approved Landscape Plan, or as otherwise approved in writing;</li> <li>• All declared weeds and pests must be removed from the subject land and the subject land kept clear of such nuisance varieties at all times during the course of development works and any ensuing defects liability period;</li> <li>• Apart from declared weeds and pests, trees, shrubs and landscaped areas currently existing on the subject land must be retained where possible and action taken to minimize disturbance during construction work;</li> <li>• Landscaping provided within the front boundary setback of the subject land and around car parking areas within the subject land must allow visibility into the site by: <ul style="list-style-type: none"> <li>○ Using trees which have a clean trunk height of at least 1.8 metres (at maturity);</li> <li>○ Using shrubs with a maximum height of 0.75 metres, in order to retain sight lines;</li> </ul> </li> <li>• A minimum of 70% of landscaped areas must be retained as a permeable surface;</li> <li>• Landscape areas must be maintained, and the site must remain in a clean and tidy state at all times.</li> </ul>	
1.12	The development must submit a Vegetation Management Plan prior to the commencement of the Operational Works.	Prior to the commencement of the Operational Works for all stages
<b>SCHEDULE 2 – PLANNING</b>		
<b>No.</b>	<b>Condition</b>	<b>Timing</b>
<i>Amenity</i>		
2.1	The approved use shall not cause any adverse impact on the amenity of the neighbourhood by reason of the emission of	At all times

	noise, vibration, smell, glare, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise.	
2.2	All buildings, structures, fittings, fixtures and grounds are maintained: <ul style="list-style-type: none"> <li>• In a serviceable condition, and</li> <li>• In a state of good repair and efficient action, and</li> <li>• In a clean, sanitary condition, and</li> <li>• Free of accumulated disused materials, and</li> <li>• Free of vermin and pest infestations.</li> </ul>	At all times
2.3	No dumping or storage of construction material or spoil is permitted on the adjacent closed rail corridor land at any time.	At all times
2.4	Any disturbance to the adjacent closed rail corridor land (future Brisbane Valley Rail Trail) caused by approved filling or excavation worked for services is minimised, managed and remediated to ensure the restoration of the existing rail embankment, its associated topography and substrate structure.	At all times
2.5	All drainage works are designed, constructed and operated to avoid disturbance to the closed rail corridor land.	At all times
2.6	Lot 108 as show on the submitted drawing number - 33051-2S-08 is to be dedicated as a drainage reserve at no cost to Council.	Prior to the endorsement of the Plan of subdivision for Stage 1
<i>General Services</i>		
2.7	Connect the development to a reticulated water supply, sewer infrastructure, underground electricity supply, and telecommunications utilities in accordance with acceptable standards of the relevant regulatory authority so that it is available to the staged development.	Prior to Compliance Assessment Request for each stage
<b>SCHEDULE 3 – ENGINEERING</b>		
<i>General</i>		
3.1	Make an operational works application to Council and pay the required fees where an application involves any of the following, car parks, road works, water supply, sewerage connections and stormwater drainage. Operational Works applications can be lodged all at once or separately for Stages 1 and 2 combined and then stages 3 and 4 combined.	Prior to Council's endorsement of the Plan of subdivision
3.2	Bear the cost of any alterations necessary to public utilities resulting from compliance with the conditions of this approval.	Prior to Council's endorsement of the Plan of subdivision for each Stage
3.3	Submit a list of road names for all new roads, along with the	Within six weeks of

	reasons for selecting such names, for the road names to be considered and approved by Council.  The proponent is responsible for the cost of road signs and installation. Street nameplates are to comply with Council's standards; please contact Council's Technical Officer A Bickerton regards this standard.	this DA approval becoming effective
<b>Monetary Contributions/Headworks/Securities</b>		
<i>Sewerage Headworks</i>		
3.4	Pay to the Central SEQ Distribution-Retailer Authority (QUU) at the rate applicable at time of payment, the sewerage headworks contribution towards the cost of augmenting the sewerage scheme for 107 lots.	Prior to Council's endorsement of the Plan of subdivision at each Stage
3.5	Construct a 300mm diameter sewer trunk main from point A to point B as identified on Sketch 5008-100729-SK01. The full cost associated with provision of the 300mm main, less the cost of providing a 150mm main of the same length, shall be fully creditable against Sewerage Headworks paid by the developer to the Central SEQ Distribution-Retailer Authority (QUU) as Condition 3.4.	Prior to Council's endorsement of the Plan of subdivision
<i>Water Supply Headworks</i>		
3.6	Pay to the Central SEQ Distribution-Retailer Authority (QUU) at the rate applicable at time of payment, the water supply headworks contribution towards the cost of augmenting the water supply scheme for 107 lots.	Prior to Council's endorsement of the Plan of subdivision at each Stage
3.7	Construct a 300mm diameter water trunk main from point C to point D as identified on Sketch 5008-100729-SK01. The full cost associated with provision of the 300mm main, less the cost of providing a 150mm main of the same length, shall be fully creditable against Water Supply Headworks paid by the developer to the Central SEQ Distribution-Retailer Authority (QUU) as required by Condition 3.6.	Prior to Council's endorsement of the Plan of subdivision
<i>House Numbering</i>		
3.8	Pay to Council at the rate applicable at the time of payment, the current rate of \$45 per allotment for the supply and erection of house numbers on each new created allotment, giving a total of \$4,815 for 107 lots, OR alternatively install a plate on the kerb and channel to denote the street number of each lot.	Prior to Council's endorsement of the Plan of subdivision for each Stage
<b>SCHEDULE 4 - OPERATIONAL WORKS</b>		
<i>General</i>		
4.1	A certificate shall be issued by a RPEQ certifying that the work has been constructed in accordance with Council construction standards and in compliance with the construction plans and specifications. All work shall be supervised by a RPEQ competent in the construction of the works. Council may request evidence of the principal contractor's competency. It is expected that the RPEQ will undertake all the necessary	Upon completion of the Operational works

	inspections to validate the certification.	
<i>Roads</i>		
4.2	Fox Street is to be constructed to provide an 8 metre seal width with type M3 kerb and channel on both sides.	Prior to Council's endorsement of the Plan of subdivision for Stage 1
4.3	Chattam Street is to be constructed to provide a 6 metre seal width with type M3 kerb and channel on the subject property side. This road is to be constructed to allow for future widening to a 10 metre seal width, with the road centreline on the road reserve centreline.	Prior to Council's endorsement of the Plan of subdivision for Stage 4
4.4	Clive Street is to have type B1 kerb installed for the full frontage of this development to tie in neatly with the kerb to be constructed in Fox and Chattam Street. This road is to be constructed to allow for future widening to a 12 metre seal width, with the road centreline on the road reserve centreline. The area of road between the existing seal and new kerb is to be sealed.	Prior to Council's endorsement of the Plan of subdivision for Stage 1
4.5	Install all traffic signs in accordance with the Manual of Uniform Traffic Control Devices.	Prior to Council's endorsement of the Plan of subdivision for each Stage
4.6	Provide 6m x 3 chord truncations on property boundaries at all road intersections.  Remove all improvements and obstructions from the area of the corner truncation(s) and area of dedicated road.	Prior to Council's endorsement of the Plan of subdivision at each Stage
<i>Footpaths</i>		
4.7	Provide a concrete footpath along the Eastern side of McCauley Street with a width of 1.5 metres, from Fox Street to Erskine Street, in accordance with Somerset Council's standard drawing Esk-Road-026.	Prior to Council's endorsement of the Plan of subdivision for Stage 2
4.8	Provide a concrete footpath along the Southern side of Fox Street with a width of 1.5 metres, from Clive Street to McCauley Street, in accordance with Somerset Council's standard drawing Esk-Road-026.	Prior to Council's endorsement of the Plan of subdivision for Stage 2
4.9	Provide a concrete footpath along Chattam Street with a width of 1.5 metres, from the Western entry to the railway reserve, in accordance with Somerset Council's standard drawing Esk-Road-026.	Prior to Council's endorsement of the Plan of subdivision for Stage 4
<i>Street Lighting</i>		
4.10	The developer will supply underground power so that it is available to each allotment and install street lighting in accordance with AS1158 – Code of Practices for Public	Prior to Council's endorsement of the Plan of subdivision

	<p>Lighting as follows:</p> <p>i) Local streets and minor collectors (1 to 300 lots) – Lighting Category P5.</p> <p>ii) Trunk collectors greater than 300 lots Lighting Category P4.</p> <p>Install all street lighting on the same side as footpaths, where applicable.</p> <p>Obtain certification of street lighting installation by a RPEQ.</p>	for each Stage
<i>Sewerage Supply</i>		
4.11	<p>Connect the staged development to the Central SEQ Distribution-Retailer Authority (QUU) sewer infrastructure and pay the prescribed fee to QUU.</p> <p>Submit plans and pay the prescribed fee to the Central SEQ Distribution-Retailer Authority (QUU) for the compliance assessment of a gravitational sewerage supply with appropriate house connection branches, designed so as to command the whole of each of the proposed lots with appropriate pump stations and manholes in accordance with the Sewerage Code of Australia WSA Code WSA-02.</p> <p>All work on live sewer mains is to be carried out by Central SEQ Distribution – Retailer Authority (QUU).</p>	Prior to compliance assessment request
4.12	<p>Construct the approved sewerage supply and submit as constructed drawings certified by a RPEQ that the work has been constructed in accordance with the approved plans.</p> <p>The works will be then placed on maintenance for a period of 12 months after payment of a maintenance bond being 5% of the cost of the work.</p>	Prior to Council's endorsement of the Plan of subdivision at each Stage
4.13	<p>Submit to and have approved by, the Central SEQ Distribution–Retailer Authority (QUU) a sewerage reticulation analysis report that demonstrates that the proposed pipe sizes and connection points are adequate for the total upstream catchment and the proposed development.</p> <p>Undertake all works (internal and external) as detailed in the approved sewer reticulation analysis to the satisfaction of the Central SEQ Distribution–Retailer Authority (QUU) unless otherwise approved in writing.</p>	Prior to Compliance Assessment Request for each stage
4.14	<p>Works within property under separate private ownership require the consent of the relevant property owner. The applicant is requested to obtain and forward to the Central SEQ Distribution–Retailer Authority (QUU) the written consent of the property owner of land under separate private ownership through which sewerage infrastructure is proposed to be constructed to connect to existing infrastructure. The</p>	Prior to Compliance Assessment Request

	developer should clearly identify on the development plan the location of the proposed sewer reticulation extension and connection point to the existing sewer reticulation system.	
<i>Water Supply</i>		
4.15	<p>Connect the staged development to the Central SEQ Distribution-Retailer Authority (QUU) water infrastructure and pay the prescribed fee to QUU.</p> <p>Submit and have approved by the Central SEQ Distribution-Retailer Authority (QUU) a water reticulation analysis report that demonstrates that the proposed pipe sizes are adequate for the proposed development.</p> <p>Undertake all works (internal and external) as detailed in the approved water reticulation analysis to the satisfaction of the Central SEQ Distribution-Retailer Authority (QUU) unless otherwise approved in writing.</p>	Prior to Compliance Assessment Request for each stage
4.16	<p>Provide an agreed Water Reticulation Plan to service the staged development to the satisfaction of the Central SEQ Distribution – Retailer Authority (QUU).</p> <p>Submit plans to the Central SEQ Distribution-Retailer Authority (QUU) of any necessary valves and fire hydrants, in accordance with the Water Supply Code of Australia WSA Code WSA-03, which connects into the existing reticulation system.</p>	Prior to Compliance Assessment Request
4.17	Construct the approved water reticulation mains and submit to the Central SEQ Distribution-Retailer Authority (QUU) as constructed drawings certified by a RPEQ that the work has been carried out in accordance with the approved plans.	Prior to Compliance Assessment Request of each stage
4.18	Supply and install all service conduits required in connection with the development prior to completion of road works and footpaths. Service conduits are to be installed under roads and concrete footpaths where required.	Prior to Council's endorsement of the Plan of subdivision for each Stage
4.19	Place blue raised pavement markers on the centreline of the road opposite each fire hydrant and where serviced by kerb and channel, place brass water and electricity markers in the kerb line at each service crossing.	Prior to Council's endorsement of the Plan of subdivision for each Stage where applicable
<i>Easements</i>		
4.20	<p>Provide an easement over stormwater drains, water mains and sewerage rising mains located within private property.</p> <p>The easement widths may vary but must extend to include top of batters of open drains and/or flood paths and provide suitable means of access for machinery around headwalls and steep batters to enable maintenance operations to occur without encroachment onto private property.</p>	Prior to Council's endorsement of the Plan of subdivision



	<p>The easement is to be dedicated at no cost to Council.</p> <p>The proponent in a form satisfactory to Council's Solicitor shall prepare all easement documentation.</p> <p><i>Note: Easements required for the discharge of stormwater over adjacent properties must be agreed to in writing by the owner of the property</i></p>	
4.21	Dedicate land subject to flooding during 100 year ARI flood event as an easement for drainage purposes or open space. The easement is to be dedicated at no cost to Council. The proponent, in a form satisfactory to Council's Solicitor, shall prepare all easement documentation. This condition does not apply to land that is to be dedicated to Council as drainage reserve (i.e. proposed Lot 108).	Prior to Council's endorsement of Plan of subdivision
<i>Stormwater Management</i>		
4.22	Implement stormwater drainage in accordance with Council's Planning Scheme Policy No 6 – Standards for Treatment of Stormwater Drainage and the accompanying stormwater drainage assessment report.	Prior to Council's endorsement of the Plan of subdivision for each Stage
4.23	<p>Implement stormwater management treatments in accordance with the Queensland Urban Drainage Manual so that the following measures are achieved:</p> <p>i) Stormwater avoids point discharge and is taken to field risers, rubble pits, kerb and channel and Council's stormwater system, ultimately discharging without effecting buildings, causing ponding, erosion or nuisance; and</p> <p>ii) Stormwater drainage is directed to a lawful point of discharge.</p>	Prior to Council's endorsement of the Plan of subdivision for each Stage
4.24	Where stormwater cannot be discharged to the kerb and channel provide inter-allotment drainage designed in accordance with QUDM.	Prior to Council's endorsement of the Plan of subdivision for each Stage where applicable
4.25	Provide certification from a qualified Stormwater Engineer/Scientist that the stormwater management treatment train in the approved SBSMP and associated design drawings has been installed on site and is functioning as designed.	Upon completion of the Operational Works
4.26	Fill, compact and grade all low lying land being subdivided to ensure each allotment is drained adequately by gravitation to the drainage system within the subdivision.	Prior to Council's endorsement of the Plan of subdivision at each Stage
4.27	Connect the approved development to underground electricity/telecommunications infrastructure in accordance with	Prior to Council's endorsement of the

	acceptable standards of the relevant regulatory authority or have the work bonded.	Plan of subdivision for each Stage
<i>NRM Issues</i>		
4.28	The contractor shall implement all relevant sediment and erosion control measures and temporary fencing as identified on the approved engineering drawings for this development. All sediment control devices and sediment collection points shall be regularly monitored, sediment removed as necessary and devices maintained responsibly during construction and maintenance period of the development works.	As part of the Operational Works
<i>Restoration Work at Developer's Expense</i>		
4.29	(a) Should Council determine that erosion or sediment damage has occurred on the site; or (b) a downstream drainage system has become silted, the developer will be responsible for the restoration work.  Should the developer fail to complete the works determined by Council within the specified time, the Council will complete the work and recover all costs from the developer associated with the work.	Restoration work will be completed within fourteen days from the time of notification
<b>SCHEDULE 5 – REFERRAL AGENCY</b>		
<b>DEPARTMENT OF TRANSPORT AND MAIN ROADS</b>		
<i>Concurrence Agency Status</i>		
Agency Response: Recommend Conditions Apply		
4.1	The Department of Transport and Main Roads is a concurrence agency under the Integrated Planning Regulation 1998 for the purposes of the Transport Infrastructure Act 1994. The DTMR has assessed the impact of the proposed development on the State-controlled road network and requires Council to include the 'conditions of development' in the Schedules of Approval as indicated on the attached Statement of Reasons. Reference: E74391 830/424 DCT4612 P77141 BRIS-2478, dated 12 March 2010.	
4.2	The Department of Main Roads Agency Response (Conditions and Statement of Reasons) will be attached to Council's Decision Notice for DA8957.	
4.3	Department of State Development Infrastructure and Planning (DSDIP) response dated 15 August 2014 referenced SPD-0714-009338.	
<b>SCHEDULE 5</b>		
<b>ADVISORY NOTES</b>		
This approval has effect in accordance with the provisions of Section 3.5.19 of the <i>Integrated Planning Act 1997</i> .		
All works shall be carried out in accordance with the <i>Workplace, Health and Safety Act 1995</i> (as amended) and the workplace Health and Safety Regulation 1997 (as amended).		
All Operational Work is to comply with relevant codes for design and construction.		
The Sustainable Planning Act 2009 (SPA) states that any change to the use or the scale or intensity of the approved use requires the submission of a new development application and		

subsequent development approval.
All building work is to comply with the provisions contained in the <i>Building Act; the Building Regulation, the Building Code of Australia, the Queensland Development Code and relevant Australian Standards.</i>
Separate development approval is required for any building work and plumbing/drainage works necessitated by the conditions contained in this approval.
The Applicant has the Right of Appeal to the Planning and Environment Court regarding the conditions of this approval.
Should the Applicant notify Council in writing that the conditions of approval are accepted without dispute and that the right of appeal to the Court will not be exercised, the Decision Notice may be taken to be the development permit.
All plumbing and drainage work is to comply with the provisions contained in the <i>Queensland Sewerage and Water Supply Act; Standard Sewerage Law and the Standard Water Supply Law; the relevant Australian Standards including AS/NZS 3500 – 1998 – National Plumbing and Drainage Code and Council Policies and requirements.</i>
The Plan of Survey for each Stage will not be released until all applicable works for that stage are completed or if not completed are suitably bonded and approved by Council
The completion of relevant documentation and a pre start meeting with Council's Technical Officer, supervising Engineer and the Contractor is required prior to any works starting at the site.
Any vegetation removed must be disposed of by: <ul style="list-style-type: none"> <li>• Milling;</li> <li>• Chipping and/or mulching;</li> </ul> Other waste, generated as a result of the operational works must be disposed of to an approved disposal facility via an approved waste receptacle and/or collection service.
Dust pollution arising from the construction and maintenance of the works required by this approval are the applicant's responsibility. The applicant must comply with any lawful instruction from the Manager of Operations if in his opinion a dust nuisance exists.
Upon receiving the certification by a RPEQ, and submission and approval of as constructed drawings and documentation, Council will accept the works as "On Maintenance".
Council will bond the developer for an amount equal to 5% of the operational works and the Developer is required to maintain all works for a period of 12 months (maintenance period) from the date of "On Maintenance". Any defective works must be rectified within the maintenance period.
At the end of the maintenance period the works shall be inspected and if satisfactory, shall be placed "Off Maintenance". Bonds or other securities will be released after the works have been placed "Off Maintenance".
<i>Carried</i>
<i>Vote - Unanimous</i>

<b>Subject:</b>	<b>DA8214 – Application to Approve a Plan of Subdivision - Banks Creek Road, Fernvale</b>
<b>File Ref:</b>	<b>DA8214</b>
<b>Action Officer:</b>	<b>SP</b>

### Background/Summary

Council has recently received an application to approve a plan of subdivision (sealing of survey plan) for a Reconfiguration of a Lot (ROL) development at Banks Creek Road, Fernvale and described as Lot 6 RP214853 and 2 RP857927. The development was originally approved by Council in January 2009 and involved the reconfiguration of two lots into 43 lots. Since that time considerable time has elapsed and several changes and extensions to the currency period have been granted, the timeline of the development to date, including relevant Operational works (OPW) approvals, is as follows:

- 10 December 2008 – ROL (2 into 43 lots) Development application lodged with Council.
- 28 January 2009 – Development application approved by Council.
- 29 January 2009 – Decision Notice issued to applicant.
- 22 December 2010 – Application lodged with Council (DA11072) for OPW (Roadworks, Stormwater drainage, water and sewerage supply) for Stage 1 (27 lots) – Application never decided – no response to IR was received.
- 10 April 2013 – Council approved extension to Relevant Period of ROL until 29 January 2014.
- 12 March 2014 – Council approved extension to Relevant Period of ROL until 29 January 2015.
- 25 March 2015 - Council approved extension to Relevant Period of ROL until 29 January 2017.
- 22 February 2017 - Council approved extension to Relevant Period of ROL until 29 January 2019.
- 20 November 2017 – Council approved OPW application (DA17031) for Earthworks, Roadworks and drainage.
- 14 March 2018 – Council approved a Change application (Minor Change) which increased the number of approved lots.
- 23 August 2019 – Council received an Application to Approve Plan of Subdivision.
- 6 September 2019 – Council issued Action Notice relating to short payment of plan sealing fee and Infrastructure Charges.

As part of the final checklist prior to finalising the survey plan it was determined that the currency period for the ROL expired on 29 January 2019 and as such the ROL approval has lapsed.

The applicant has advised that they were of the belief that the Change Application (Minor Change) issued by Council in 2018 extended the currency period until at least the same time as the Operational Work's currency period (20 November 2019). Unfortunately, this is not the case and all parties are now in a difficult position. The applicant has advised that the Operational Works for Stage 1a have been completed and have been accepted by Council as "On-Maintenance" and several of the lots have been sold pending the formal creation of the lots.

The *Planning Act 2016 (The Act)*, states that an application lapses if a survey plan is not provided to local government within the approval period. The Act does not provide a local government the ability to revive a development approval once it has lapsed. However, the

*Planning and Environment Court Act 2016* does provide provisions where the Court can excuse elements of non-compliance and the lapsing of an approval is understood to be one of these elements.

As such, it is recommended that the applicant be advised that Council cannot revive the development approval and suggest they make representations to the Planning and Environment Court. A letter of support from Council can be provided to the applicant to be included as part of the representations to the Planning and Environment Court.

#### Attachments

DA8214 – Approved Site Plan

#### Recommendation

1. THAT Council advise the applicant it cannot revive the development approval and suggest the applicant make representations to the Planning and Environment Court.
2. THAT Council provide a letter of support to the applicant to be included as part of their representations to the Planning and Environment Court to have the development approval revived.

#### Resolution

Moved – Cr Whalley

Seconded – Cr Hall

- “1. THAT Council advise the applicant it cannot revive the development approval and suggest the applicant make representations to the Planning and Environment Court.
2. THAT Council provide a letter of support to the applicant to be included as part of their representations to the Planning and Environment Court to have the development approval revived.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Indicative future rate issue and due dates</b>
<b>File Ref:</b>	<b>Rates and valuations - notifications - rate notices</b>
<b>Action Officer:</b>	<b>DFIN</b>

#### Background/Summary

Council advises prospective property purchasers of upcoming rate issue dates and due dates as part of its property search process.

For planning purposes and for use in Council communications, indicative future rate issue and due dates are sought notwithstanding that future rating periods and due dates are dependent upon future budget resolutions

#### Attachments

Nil

#### Recommendation

THAT Council endorses indicative future half-yearly rate issue dates be set of Tuesday 25 August 2020, Tuesday 23 February 2021, Tuesday 24 August 2021 and Tuesday 22 February

2022 with indicative rate due dates being 42 days after the indicative issue dates.

<b>Resolution</b>	Moved – Cr Hall	Seconded – Cr Ogg
	<p>“THAT Council endorses indicative future half-yearly rate issue dates be set of Tuesday 25 August 2020, Tuesday 23 February 2021, Tuesday 24 August 2021 and Tuesday 22 February 2022 with indicative rate due dates being 42 days after the indicative issue dates.”</p>	
	<u>Carried</u>	
	Vote - Unanimous	

<b>Subject:</b>	<b>Superannuation on annual leave loading</b>
<b>File Ref:</b>	<b>Personnel - payroll - superannuation</b>
<b>Action Officer:</b>	<b>DFIN</b>

#### Background/Summary

Councillors recently discussed the potential application of superannuation contributions on annual leave loading for Council employees.

#### Attachments

Nil

#### Recommendation

THAT Council confirms it has decided to begin making superannuation contributions on annual leave loading for its employees who are not members of the LGIA defined benefits fund and who are not subject to the general concessional superannuation contributions cap effective from the beginning of the first full pay period of the 2019/2020 financial year so as to recognise employees and to mitigate any risk for a significant financial burden for a future Council and that Council reserves the right to revisit these payments if a definitive position is reached by a relevant court or tribunal.

<b>Resolution</b>	Moved – Cr Whalley	Seconded – Cr Gaedtke
	<p>“THAT Council confirms it has decided to begin making superannuation contributions on annual leave loading for its employees who are not members of the LGIA defined benefits fund and who are not subject to the general concessional superannuation contributions cap effective from the beginning of the first full pay period of the 2019/2020 financial year so as to recognise employees and to mitigate any risk for a significant financial burden for a future Council and that Council reserves the right to revisit these payments if a definitive position is reached by a relevant court or tribunal.”</p>	
	<u>Carried</u>	
	Vote - Unanimous	

<b>Subject:</b>	<b>Solar power installation tender evaluation</b>
<b>File Ref:</b>	<b>Grants - programs - LGGSP</b>
<b>Action Officer:</b>	<b>DFIN</b>

### Background/Summary

There have been recent contract changes to electricity arrangements at Esk showgrounds, and Kilcoy Indoor Sports Centre which will see Council meeting power costs at those facilities.

As part of successful funding applications to install rooftop solar, Council engaged LGAQ subsidiary Peak Services to prepare two solar suitability reports including a cost benefit analysis, concept design, electrical and structural suitability inspection for each site.

Given the change in contract conditions for the above sporting facilities, it is recommended that Peak Services be commissioned to prepare a further solar suitability report at a cost of \$1,980 per site including GST subject to a minimum of four facilities.

### Attachments

Nil

### Recommendation

THAT Council engage Peak Services to prepare a solar suitability report for rooftop or on-ground solar sites including Esk showgrounds, Kilcoy Indoor Sports Centre, Toogoolawah pool and Esk workshop/store and that this report be funded in the first budget review.

#### **Resolution**

Moved – Cr Whalley

Seconded – Cr Brieschke

“THAT Council engage Peak Services to prepare a solar suitability report for rooftop or on-ground solar sites including Esk showgrounds, Kilcoy Indoor Sports Centre, Toogoolawah pool and Esk workshop/store and that this report be funded in the first budget review.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Report of the Audit Committee</b>
<b>File Ref:</b>	<b>Financial management – audit – audit committee</b>
<b>Action Officer:</b>	<b>DFIN</b>

### Background/Summary

Council's audit committee met on 11 September 2019.

Section 211 of the Local Government Regulation 2012 requires that a report about an audit committee meeting must be presented to the next meeting of Council.

The audit committee meeting was also attended by representatives from Queensland Audit Office and PricewaterhouseCoopers (external audit) and Crowe Australasia (internal audit).

Matters discussed at the audit committee meeting included:

- The interim external audit report to the Mayor for 2018/2019.

External audit confirmed that there were no reportable control deficiencies identified to 30 June 2019

- The audit committee reviewed Council's unaudited 2018/2019 financial statements.
- The internal audit report for 2018/2019. Internal audit completed reviews of Council's fraud management, payroll and revenue management systems and processes during the year.
- Internal audit plans for 2019/2020. Internal audit intends to review Council's accounts payable system, IT security and business continuity plans.
- QAO presented a briefing paper and discussed implications of the attached JLT Public Sector Risk Report which ranks key risks to Australian local government.

Cyber security risks and business continuity planning relate to the second and eighth-ranked risks facing local government generally according to the JLT report and these matters are to be reviewed by internal audit during 2019/2020.

#### Attachments

Report of audit committee meeting from 11 September 2019  
JLT Public Sector Risk Report 2019

#### Recommendation

THAT Council receive the report of the Audit Committee dated 11 September 2019 and that the contents be noted.

#### Resolution

Moved – Cr Brieschke

Seconded – Cr Ogg

"THAT Council receive the report of the Audit Committee dated 11 September 2019 and that the contents be noted."

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Quotation 1153 - standing offer arrangement for the supply, cartage, heating and spraying of bituminous products and hire of plant and operators for bitumen sealing works for a 24-month period</b>
<b>File Ref:</b>	<b>Corporate management - tendering - quotations numbered</b>
<b>Action Officer:</b>	<b>SPO</b>

#### Background/Summary

Quotation 1153 was called under the Local Buy Contract for Road, Water, Sewerage, Civil Works - BUS270, Road Resurfacing.

Five suppliers were invited to submit quotations with three responses received being from Colas (Queensland) Pty Ltd (Council's current supplier), RPQ Spray Seal Pty Ltd and Fulton Hogan Industries Pty Ltd.

Quotations were analysed using a selection of qualitative and compulsory criteria as well as a



schedule of rates and based on a notional projected volume of each type of material to be sprayed.

All three suppliers satisfied the relevant criteria.

Payments under the current bituminous products and services contract during 2018/2019 totalled \$1,713,880.69.

#### Attachments

A commercial in confidence copy of contract analysis schedules including rankings is provided to Councillors separately to the agenda.

#### Recommendation

THAT Council engage:

1. RPQ Spray Seal Pty Ltd as Council's first ranked bituminous products and services supplier for a 24-month period starting 1 October 2019 and terminating on 30 September 2021.
2. Colas (Queensland) Pty Ltd as Council's number two or back-up bituminous products and services supplier for a 24-month period starting 1 October 2019 and terminating on 30 September 2021.

#### Resolution

Moved – Cr Whalley

Seconded – Cr Hall

“THAT Council engage:

1. RPQ Spray Seal Pty Ltd as Council's first ranked bituminous products and services supplier for a 24-month period starting 1 October 2019 and terminating on 30 September 2021.
2. Colas (Queensland) Pty Ltd as Council's number two or back-up bituminous products and services supplier for a 24-month period starting 1 October 2019 and terminating on 30 September 2021.

Carried

*Vote - Unanimous*

**Subject:** Application for rebate of rates - Atkinsons Dam Road  
**File Ref:** Rate classifications - FY2020 categorisations  
**Action Officer:** DFIN

#### Background/Summary

The corporate owner of property reference 04060-00000-000 has requested a rebate of rates as per the attached letter of 12 September 2019 (individual's names removed).

A Council decision notice of 23 August 2017 is attached to assist in providing context for the 2019 letter. Council resolved:

*“THAT no rebate of rates be granted in respect of property reference 04060-00000-000 - L 2 RP121854.”*

The property has been categorised for rating purposes since 2013 as either rating category 38 or 39. Category 39 is defined as follows:

- 39 *Land used for providing 50 to 59 Multi Residential Units*  
*R2.16: Definitions – Multi Residential Units*

*The term Multi Residential Units shall mean residential accommodation of more than 1 flat, caravan site or other similar styles of accommodation, where such accommodation is not for use by the ordinary travelling public.*

Squarego Pty Ltd acquired this property from Austpark Pty Ltd in 2016.

A property owner may object against a rating categorisation decision on a factual and legal basis, providing relevant information and evidence to show why the assessed rating category should not apply and a different category should apply. The owner has not objected against the rating category.

#### Attachments

Letter from Squarego Pty Ltd of 12 September 2019  
 Council decision notice of 23 August 2017  
 Letter to Squarego Pty Ltd of 10 May 2019

#### Recommendation

THAT Council grant no rebate of rates in respect of property reference 04060-00000-000.

#### Resolution

Moved – Cr Gaedtke

Seconded – Cr Brieschke

“THAT Council grant no rebate of rates in respect of property reference 04060-00000-000.”

Carried

Vote - Unanimous

**Subject: Endorsement sought for contract exceeding \$15,000**  
**File Ref: PCYC**  
**Action Officer: DFIN**

#### Background/Summary

Consistent with contract discussions about alterations to Fernvale Indoor Sports Centre, Police Citizens Youth Club (PCYC) has requested the installation of a security and access swipe card system to facilitate the operation of a 24-hour gym at the Fernvale PCYC.

It is understood that the PCYC's preferred contractor for these systems at its various centres throughout Queensland in line with PCYC's security guidelines is Australian Presentation Systems (QLD). The proposed security access, alarm and CCTV system is specified in Council document 1141165 at a cost of \$30,220 excluding GST.

#### Attachments

Nil

**Recommendation**

THAT Council agrees, because of the specialised nature of the goods and services that are sought being the supply and installation of a security and access system at the Fernvale PCYC that is consistent with systems installed and operated at other Queensland PCYC's, it would be impractical or disadvantageous to invite quotes and the use of T and W Long Investments Pty Ltd trading as Australian Presentation Systems (QLD) for this supply at a cost of \$33,242 be endorsed.

**Resolution**

Moved – Cr Brieschke

Seconded – Cr Hall

"THAT Council agrees, because of the specialised nature of the goods and services that are sought being the supply and installation of a security and access system at the Fernvale PCYC that is consistent with systems installed and operated at other Queensland PCYC's, it would be impractical or disadvantageous to invite quotes and the use of T and W Long Investments Pty Ltd trading as Australian Presentation Systems (QLD) for this supply at a cost of \$33,242 be endorsed."

*Carried**Vote – 5 - 1**Cr Whalley recorded his vote against this resolution.*

<b>Subject:</b>	<b>Organisational structure</b>
<b>File Ref:</b>	<b>Financial management - budgeting - 2019 - 2020 - budget</b>
<b>Action Officer:</b>	<b>DFIN</b>

**Background/Summary**

Council is required to adopt Council's Organisational Structure by resolution (s 196 (1) *Local Government Act*).

Prior to preparing a draft revised budget and ten-year financial plan, it is recommended that the Organisational Structure be amended to reflect the following:

- On 27 March 2019 Councillors discussed the addition of an events officer for a "12-month fixed term"
- On 1 July 2019, the events officer position was confirmed for a two-year term by letter
- On 26 June 2019, Councillors discussed the addition of three new pest management employees

**Attachments**

Nil

**Recommendation**

THAT Council amend the Organisational Structure through the addition of an Events Officer (two-year fixed term), a new Temporary Pest Management Officer and two new permanent Weed and Vegetation Control Operators.

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Brieschke

"THAT Council amend the Organisational Structure through the addition of an Events Officer (two-year fixed term), a new Temporary Pest

Management Officer and two new permanent Weed and Vegetation Control Operators."

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Application for rebate of rates – England Creek Road – extractive</b>
<b>File Ref:</b>	<b>Rates - rate classifications - 2019 - 2020 - categorisations</b>
<b>Action Officer:</b>	<b>DFIN</b>

### Background/Summary

A letter has been received from a property owner requesting a rebate of rates.

While the property concerned has been correctly categorised for rating purposes as being approved and developed for extraction, the property owner (who is not the quarry owner) and the quarry owner (Zanows Sand and Gravel) have advised that the only extractive industry activity on the property is rehabilitation of the land.

Consistent with Council resolutions in previous years, the recommendation below proposes:

- A reduction in the general rate for the current half year as requested
- No rebate in the extractive industry inspection levy for the current half year. Charging the levy will allow Council officers to monitor activities on the property including rehabilitation to ensure that conditions imposed are being met.
- Provided Council does not become aware of any extraction occurring on the property, a further reduction in the general rate for the period January to June 2020 is recommended.
- Provided Council does not become aware of any extraction occurring on the property, a full remission of the extractive industry inspection levy for the period January to June 2020 is also recommended.

### Attachments

Owner letter received 20 September 2019 provided to Councillors

### Recommendation

1. THAT a rebate of rates and charges be given to the owner of Lot 1 RP28857 assessment 02352-80000-000 for the period 1 July 2019 to 31 December 2019 equal to the difference between the net general rates charged for the property on the rate notice issued August 2019 and the net amount that would have been payable if the property had been categorised in rating category 2 because the payment of the rates or charges would cause hardship to the land owner.
2. THAT no rebate in the extractive industries inspection levy on Lot 1 RP28857 assessment 02352-80000-000 be granted for the period 1 July 2019 to 31 December 2019.
3. THAT provided extraction of materials on the property does not occur prior to February 2020, a rebate of rates and charges be given to the owner of Lot 1 RP28857 assessment 02352-80000-000 for the period 1 January 2020 to 30 June 2020 of the

same amount as the 2019 rebate plus the amount of the half yearly extractive industry inspection levy because the payment of the rates or charges would cause hardship to the land owner.

<b>Resolution</b>	Moved – Cr Brieschke	Seconded – Cr Hall
	<p>“1. THAT a rebate of rates and charges be given to the owner of Lot 1 RP28857 assessment 02352-80000-000 for the period 1 July 2019 to 31 December 2019 equal to the difference between the net general rates charged for the property on the rate notice issued August 2019 and the net amount that would have been payable if the property had been categorised in rating category 2 because the payment of the rates or charges would cause hardship to the land owner.</p> <p>2. THAT no rebate in the extractive industries inspection levy on Lot 1 RP28857 assessment 02352-80000-000 be granted for the period 1 July 2019 to 31 December 2019.</p> <p>3. THAT provided extraction of materials on the property does not occur prior to February 2020, a rebate of rates and charges be given to the owner of Lot 1 RP28857 assessment 02352-80000-000 for the period 1 January 2020 to 30 June 2020 of the same amount as the 2019 rebate plus the amount of the half yearly extractive industry inspection levy because the payment of the rates or charges would cause hardship to the land owner.”</p>	
	<i>Vote - Unanimous</i>	<u>Carried</u>

<b>Subject:</b>	<b>Application for rebate of rates - Atkinsons Dam Road - second property</b>
<b>File Ref:</b>	<b>Rates - property history - 2019 - 2020 - enquiry</b>
<b>Action Officer:</b>	<b>DFIN</b>

### Background/Summary

The owner of property reference 04057-00000-000 has requested a rebate of rates including outstanding infrastructure charges of \$18,625 (email of 18 September 2019 provided in confidence).

The rate notice including the outstanding infrastructure charges issued on 20 August 2019.

The owner acknowledges the outstanding debt.

Council letters of 26 September 2018, 26 June 2019 and 5 August 2019 and owner email of 3 October 2018 are also provided as background.

Section 144 (1) of the Planning Act 2016 states as follows in respect of outstanding infrastructure charges:

*“A levied charge is, for the purpose of its recovery, taken to be rates of the local government that levied the charge.”*

Council’s revenue policy includes as follows:

*“Council is to receive a recommendation to commence sale of land for overdue rates and charges action whenever an infrastructure charge becomes overdue for a period of more than three years.”*

Whilst no rebate is recommended, it is not Council’s policy to commence sale of lands for overdue rates action unless the rates and charges have been overdue for more than three years.

**Attachments**

Council letters of 26 September 2018, 26 June 2019 and 5 August 2019  
 Owner emails of 18 September 2019 and 3 October 2018




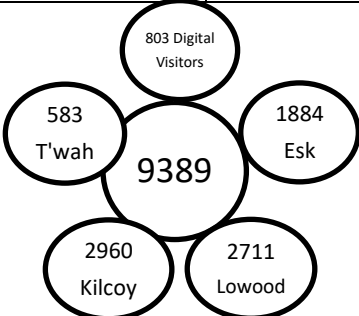
**Recommendation**




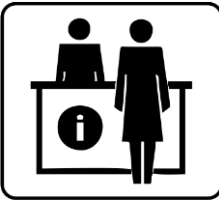

THAT no rebate of rates be granted in respect of property reference 04057-00000-000.

<b>Resolution</b>	Moved – Cr Whalley	Seconded – Cr Ogg
	“THAT no rebate of rates be granted in respect of property reference 04057-00000-000.”	
	Vote - Unanimous	<u>Carried</u>

**Subject:** Somerset Libraries Officer’s Report - August 2019  
**File Ref:** Officer's report  
**Action Officer:** (RL) Regional Librarian

**Background/Summary**

Somerset Libraries – August Performance		
 <p><b>5547 Physical Items Loaned</b>  <b>1010 Digital Items Accessed</b></p>	 <p><b>508 Computer Bookings</b></p>	 <p><b>241 Technology Training Sessions</b></p>
 <p>803 Digital Visitors</p> <p>583 T'wah</p> <p>1884 Esk</p> <p><b>9389</b></p> <p>2960 Kilcoy</p> <p>2711 Lowood</p>		

 <p><b>348 Facebook Followers</b></p>	 <p><b>506 Wi-Fi Sessions</b></p>	<p><b>71 New Members</b></p>
 <p><b>84 Programs and Events</b> <b>855 Attendees</b></p>	 <p><b>1229 Enquiries Answered</b></p>	 <p><b>225 New Items Catalogued</b></p>

**Children’s Book Week**

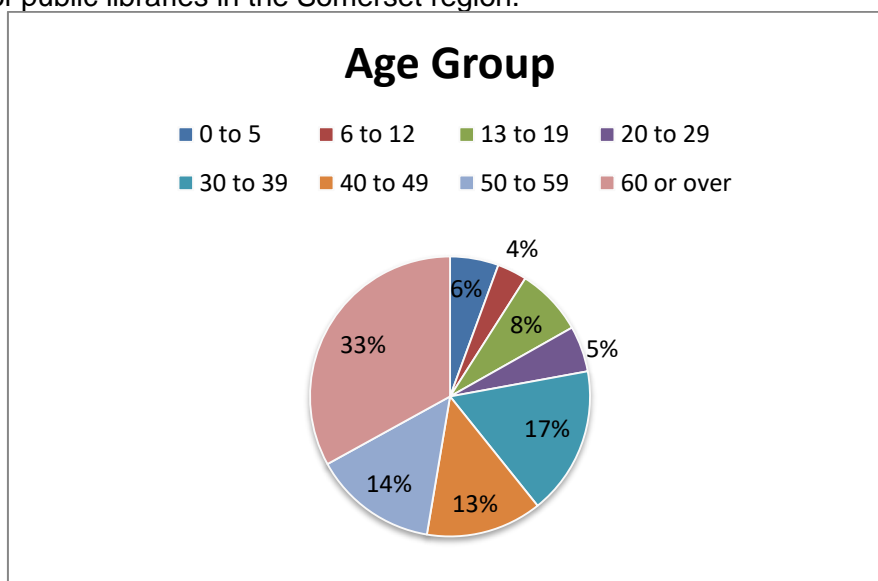
Somerset Libraries had a very busy Children’s Book Week. We had 93 children and adults attend storytime and baby bounce events and 329 people attend outreach and after hours events, including a pizza and movie night, and a family trivia evening. Overall, more than 400 people joined Somerset Libraries in celebrating Children’s Book Week this year.

**Library Survey results**

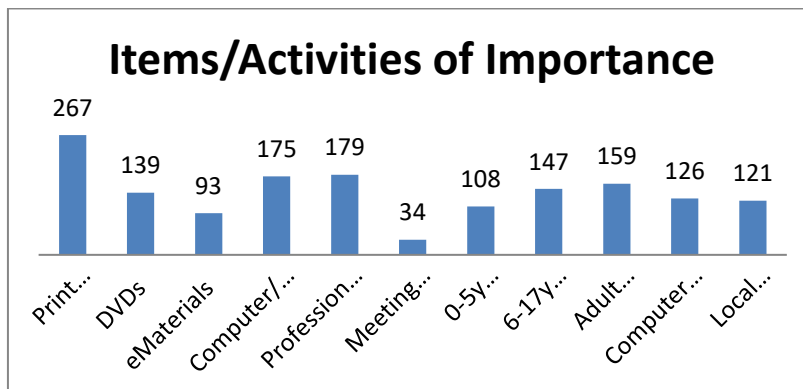
The recent Somerset Libraries user survey has illustrated the value that the regions public libraries bring to the Somerset community is far more than just books and banks of computers. Libraries are still places where individuals gather to explore, interact and imagine and they are central to building community and supporting local culture.

Almost 90 per cent of the 321 respondents said the libraries in Esk, Kilcoy, Lowood and Toogoolawah were “vital for enriching the Somerset community”.

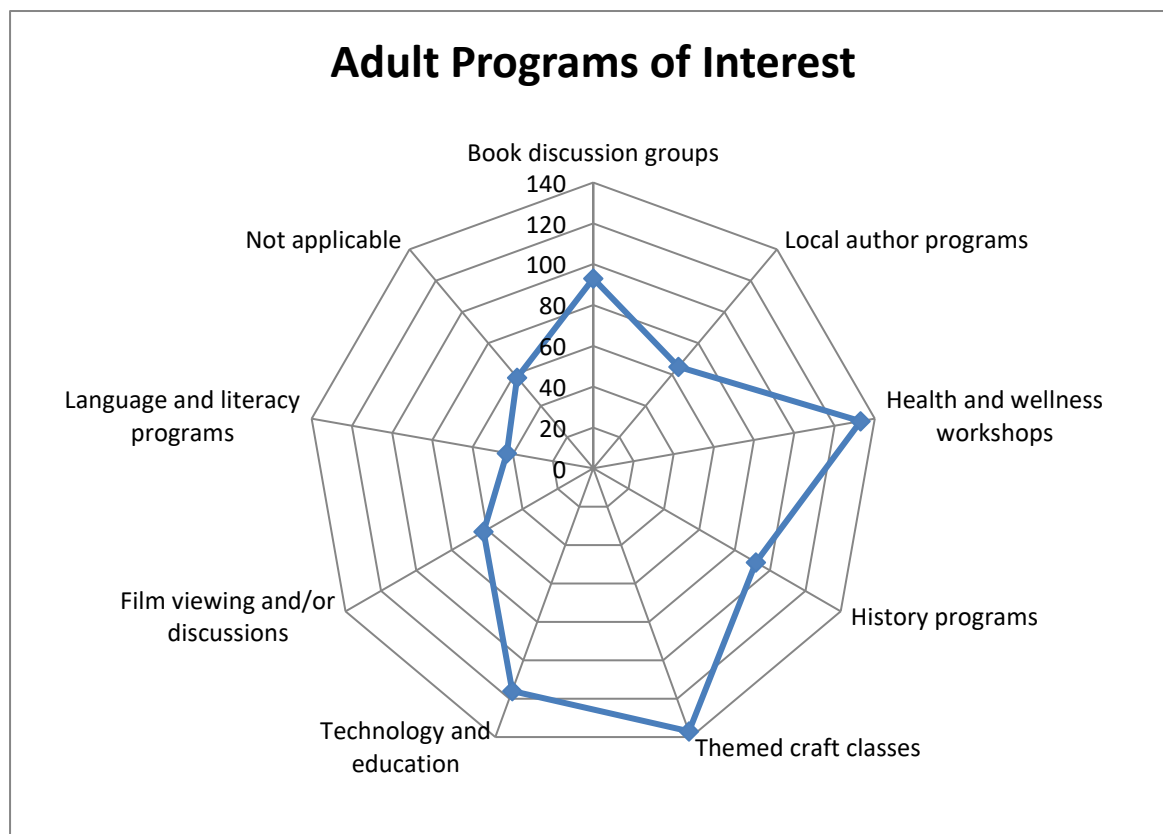
It was pleasing to see a wide age range taking part in the survey which illustrates the growing social role of public libraries in the Somerset region.



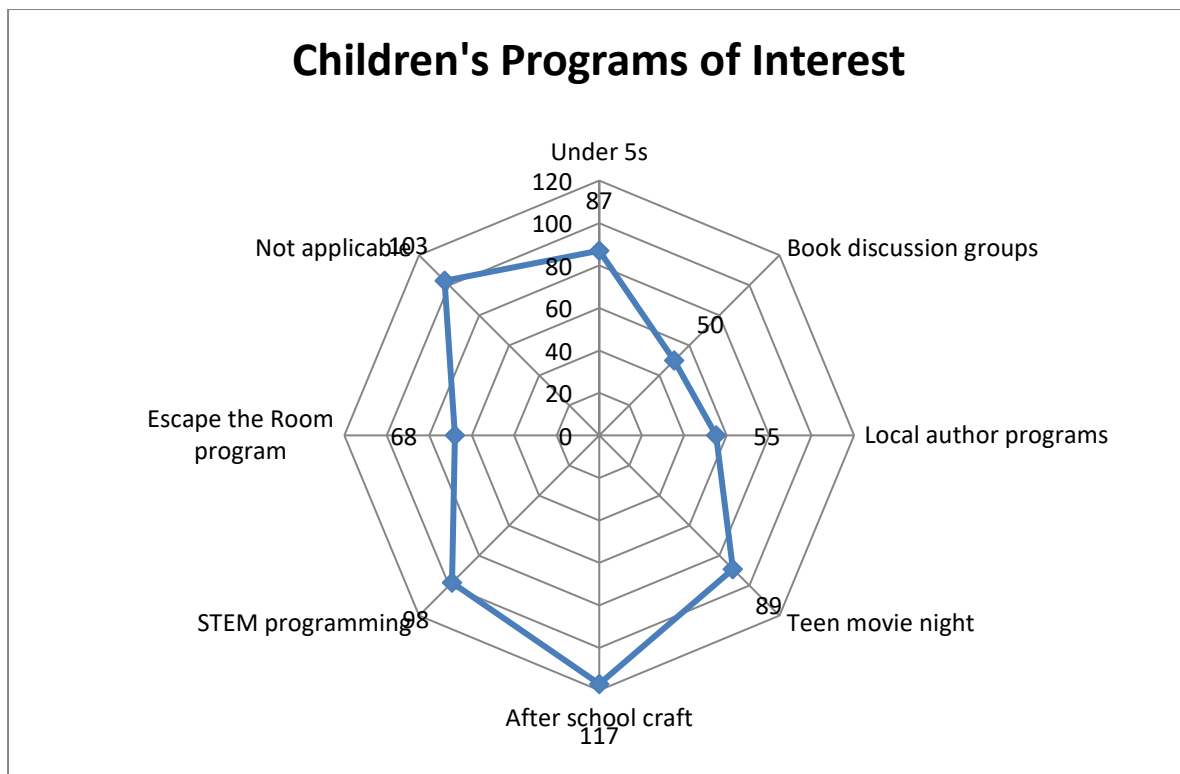
Overall survey results demonstrated that residents valued Somerset Libraries and that they felt that the library service contributed to the community in a variety of ways. It is interesting to note that the traditional “core library services” of access to print stock, computers and the internet, and professional staff to help find information were rated most highly.



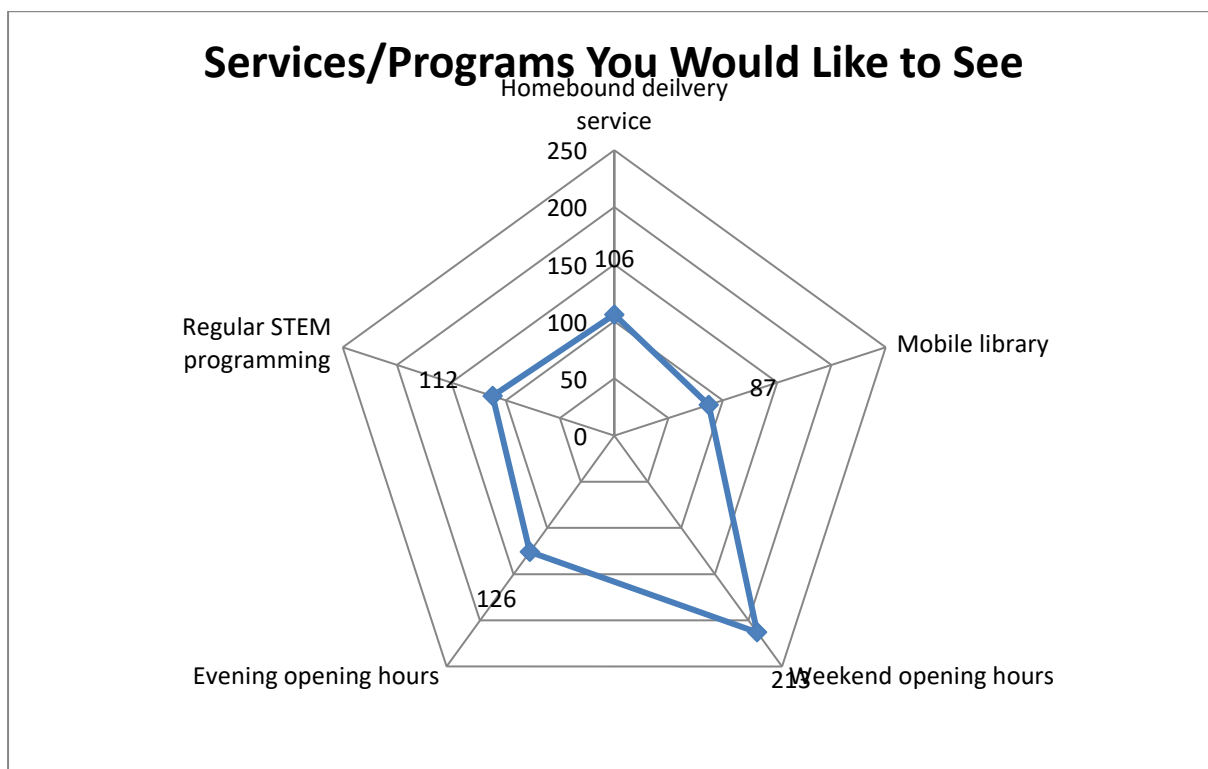
With regard to areas that we can improve in, residents would like to see more community craft workshops for both adults and children, health and wellness events and technology and education classes for adults. For young adults and children, more S.T.E.A.M programming and events for teens were of interest.







Regarding desirable services and programs which were not currently delivered by Somerset Libraries, there was strong interest in weekend and evening opening hours.



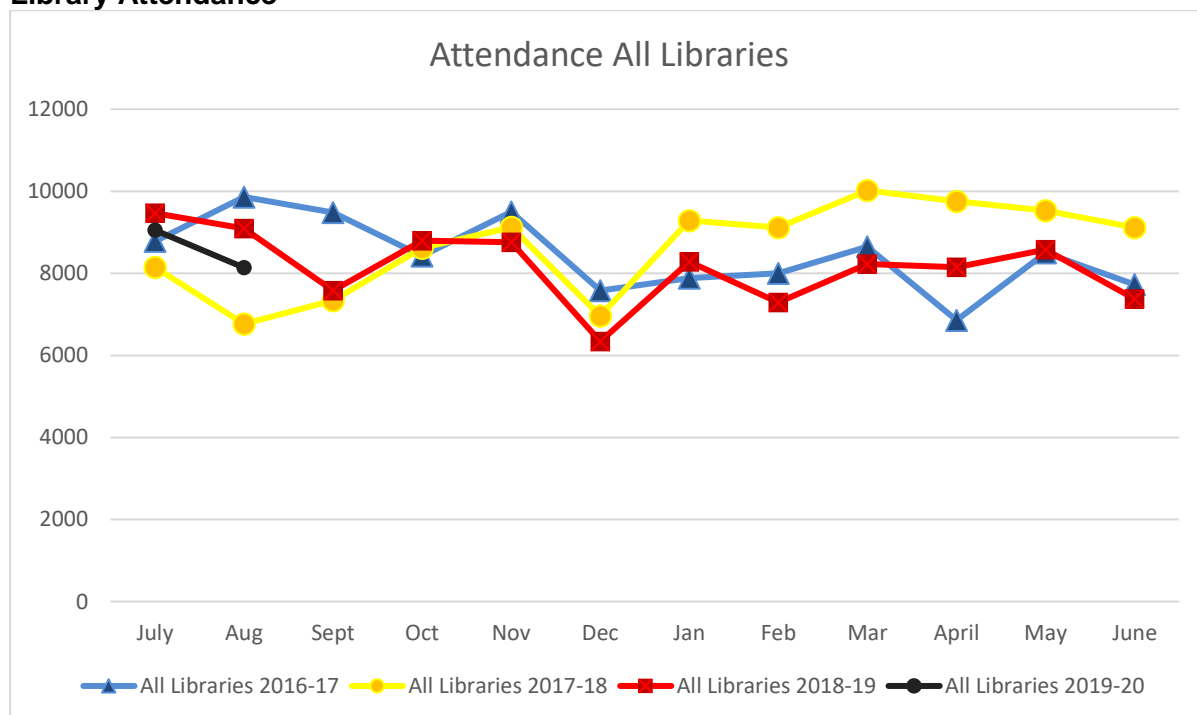
Overall, feedback from the community was positive and supportive, reiterating that public libraries are unique, open institutions, where people have access to information, technology and training on an as-needed basis, thus making them a key contributor to the community development process for local government.

With digital information and greater outreach, libraries are transforming the way they interact with the public at a much greater speed than is often acknowledged. They are becoming much more proactive and collaborative, contributing in a variety of ways to making stronger communities.

### Upcoming Events

STEAM WEEK – Chemical Reactions – Kilcoy Library, 23 September
STEAM WEEK – Play with a Sphero – Kilcoy Library, 24 September
STEAM WEEK – Earthquake resistance – Kilcoy Library, 25 September
STEAM WEEK – Geometric Whirls – Kilcoy Library, 26 September
STEAM WEEK – Dinosaur Theme Park – Kilcoy Library, 27 September
Escape room – Lowood Library; 24 September
Escape room – Lowood Library; 26 September
Escape room – Lowood Library; 2 October
Escape room – Lowood Library; 3 October
Art & Craft Extraordinaire – Lowood Library; 25 September
Drama workshop – Kilcoy Library, 2 October
Drama workshop – Lowood Library, 3 October
Drama workshop – Esk Library, 4 October
Nature Wands – Esk Library, 23 September
Nature Wands - Lowood Library; 27 September
Nature Wands – Kilcoy Library; 30 September
Nature Wands -Toogoolawah Library; 4 October
Origami Fan Making – Esk Library, 8 October
Origami Lotus Flower Making – Lowood Library; 10 am
Origami Flower Making – Kilcoy Library; 10 am
Origami Christmas Workshops

### Library Attendance



**Attachments**

Library survey results – summary.

**Recommendation**

THAT Council receive the *Somerset Libraries Officer Report for August 2019* and the contents be noted.

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Ogg

“THAT Council receive the *Somerset Libraries Officer Report for August 2019* and the contents be noted.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Somerset Region Support Service Report for the period 1 August – 31 August 2019</b>
<b>File Ref:</b>	<b>Community Services - Service Provision - Community Development</b>
<b>Action Officer:</b>	<b>CDC (Lyn Buchanan)</b>

**Background/Summary**

Activities throughout the month included:

- Toogoolawah Community Connection Point continues to host The Thursday Club, Toogoolawah Playgroup, Toogoolawah Women’s Group and Toogoolawah Rag Ruggers.
- Regional Seniors Event

Meetings/attendances throughout the month:

- Coordinated the Brisbane Valley and Kilcoy Interagency Meetings
- Attended the Child Protection Week Committee Meeting
- Attended Corporate Services Meeting
- Attended Quarterly Neighbourhood Centre Meeting
- Attended Emergency Relief Group Meeting
- Met with representative from NBN Co regarding scams
- Attended Service Mapping Exercise Meeting
- Met with Somerset Vision Support regarding support for Lowood seniors
- Attended Community Herbal Clinic Discussion Group
- Met with the following groups in relation to the Lowood Youth Mental Health Project -
  1. Lowood and Fernvale State School Principals and Guidance Officer
  2. Lowood Residents Network Group
  3. Somerset Men’s Shed
  4. Lowood Tae Kwon Do
  5. Lowood Soccer Club

Future Planned/Proposed Events and activities:

- Teddy Bears Picnic – October – Fernvale
- Children’s Week (in partnership with Save the Children) – October - Kilcoy

## Somerset Region Neighbourhood Centre Service usage

### Events/Activities

Group/event name	Date	Location	Topic	Number attendees	Number new attendees
Thursday Club	1 Aug	Toogoolawah	General craft and games	12	1
	8 Aug			12	1
	15 Aug			16	0
	22 Aug			17	1
	29 Aug			9	0
Toogoolawah Women's Group	14 Aug	Toogoolawah Community Connection Point	Community Connections (Lifeline)	22	0
	28 Aug		Gardening tips	22	0

### Information and referrals

Referring centre/role	Total number of people assisted	Any trends (including topic and location)	How enquirers heard about the service
Esk Community Connection Point	0		
CDC	6	Transport (2) Esk, Somerset Dam Home Assist (1) Lowood Relationship Counselling (1) Kilcoy Applying for grant (1) Esk Meeting space (1) Kilcoy	Via Council 2 Via agency 3 Direct 1

### Attachments

Nil

### Recommendation

THAT Council receive the Somerset Region Support Service Report for the month of August 2019 and that the contents be noted.

### Resolution

Moved – Cr Brieschke

Seconded – Cr Ogg

“THAT Council receive the Somerset Region Support Service Report for the month of August 2019 and that the contents be noted.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Kabi Kabi Claim - Indigenous Land Use Agreement</b>
<b>File Ref:</b>	<b>SRC - Governance - Reporting</b>
<b>Action Officer:</b>	<b>DCORP</b>

## Background/Summary

### Kabi Claim

The Kabi Native Title Claim has been an ongoing matter for a number of years. Included in Appendix 1 attached is a timeline for this project which dates back to the initial filing of the claim in May 2013. The attached map of the claim area indicates that the area of Somerset Region that is affected is around Jimna. Council has already communicated with the State over Reserve parcels that were either disturbed or not. The timeline shows that this part of the process commenced in 2016 and was completed this year.

Holding Redlich (Jenny Humphrys) and Marawah Law (Deanna Cartledge) were appointed to act on behalf of a number of Councils. They have been granted funding to carry out this work. Since May 2017 the claimant group have been considering the Indigenous Land Use Agreement (ILUA) and feedback was provided to both legal firms recently through the court and by the Claimants.

The ILUA seeks to provide Council with a process for negotiating the progress of works within the Claim area. The Agreement will set up a Capital Works Forum a Cultural Heritage Clearance Procedure and a timeframe for the clearance and a consultative committee. Whether any consultation is required and how that will work depends upon whether the proposed project will have High or Low Native Title Impact Activities included in the works. These activities can be physical works or the issuing of a trustee lease.

At a meeting held at the Noosa Shire Council offices on Tuesday 27 August 2019, a review of the status of the ILUA was undertaken including incorporating all the feedback from the claimants. It is proposed that the revised draft will be presented to the claimants before Friday 13 September 2019. Another round of negotiations will take place and it is hoped that the ILUA will be ready for registration at the same time as the claimant registration in March 2020.

### Yuggera / Ugurapul Claim

This claim is progressing albeit with some difficulty. The hearing determined that the group must provide their connection material to the Queensland State Native Title Services by 13 September 2019. It is not known whether this claim or the overlapping claim of Jagera / Yagera will be registered first or whether what has already occurred the process will be stalled.

## Attachments

Attachment 1 – Kabi Claim History, Area and ILUA Material  
Attachment 2 – Yuggera – Ugarapul Claim hearing and claimant area maps

## Recommendation

THAT Council continue being a party to the negotiations regarding the Kabi ILUA and advise Holding Redlich and Marawah Law accordingly.

### Resolution

Moved – Cr Brieschke

Seconded – Cr Gaedtke

“THAT Council continue being a party to the negotiations regarding the

Kabi ILUA and advise Holding Redlich and Marawah Law accordingly."

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Sport and Recreation report – September 2019</b>
<b>File Ref:</b>	<b>Governance - Reporting - Officer Reports</b>
<b>Action Officer:</b>	<b>SRO</b>

### Background/Summary

The following report contains an overview of current activities of the Sport and Recreation Officer (SRO), an update of projects and future proposals as of 18 September 2019.

#### 1. Executive Summary – Key Highlights for August 2019

The Kilcoy Indoor Sport Centre had increased patronage in August comparative to previous years, primarily as the result of a collaborative program for Kilcoy State High School students. The Toogoolawah Community Gym also had a comparatively high monthly patronage, in line with facility usage growth. The transition of a new venue manager into the Fernvale Indoor Sports Centre continued and will be pragmatically managed through the closure period to late October.

The Lowood Swimming Pool, Kilcoy Aquatic Centre and Toogoolawah Swimming Pool are scheduled and on track to re-open on Saturday 21 September. The Esk Swimming Pool is scheduled to re-open on Saturday 28 September. Aquatic facilities maintenance and refurbishments remain on track, with the Esk Swimming Pool currently undergoing significant refurbishments (Paid for by Department of Education). Pool safety audits have been conducted at Lowood, Kilcoy and Toogoolawah. These audits were conducted in line with the latest Royal Life Saving Society Australia Guidelines for Safe Pool Operation. Water testing has also been conducted in Lowood, Kilcoy and Toogoolawah.

The fourth annual Somerset Sports Cup was conducted at the Toogoolawah State High School (TSHS) on Friday 23 August 2019. The inter-school carnival included netball, soccer and touch football teams from TSHS, Lowood State High School (LSHS) and Kilcoy State High School. LSHS won the cup for the first time in three years. The annual teachers versus police match was also conducted, with the teachers claiming victory. Somerset Regional Council provided free transport for all school students to attend the event, as well as first aid and coordination services.

The SRO is working on a number of projects including the Kilcoy Sports and Recreation Needs Analysis, Toogoolawah Community Gym review and research of Mount Glen Rock recreational opportunities.

#### 2. Indoor sport and gymnasium operations

Please note that the highlights are from the August sports facility reports.

##### *Fernvale Indoor Sports Centre*

- Belgravia Leisure formally exited the premises on Friday 30 August 2019. Belgravia Leisure have been very professional through the exit of the premises and in communications with Council and PCYC.

- Council purchased Belgravia Leisure's 50 percent portion of the bubble soccer set, which was originally purchased in partnership with Belgravia Leisure. The equipment will be kept on site for the time being.
- PCYC have conducted initial inspections of the site post Belgravia Leisure exit and have initiated communications to Fernvale residents including; offering current Fernvale Indoor Sports Centre patrons discounted PCYC membership and access to the Ipswich PCYC, releasing a PCYC Fernvale page on the PCYC website, creating a PCYC Fernvale Facebook page and scheduling community consultation opportunity at the Council Teddy Bear picnic.
- Council currently owns a range of cardio and strength equipment based within the centre, which is no longer fit for purpose. PCYC have agreed to sell this equipment on Council's behalf.
- There were no incidents recorded for the month of August.

#### *Toogoolawah Community Gym*

- Attendances in classes and general gym usage in August was 369.
- The facility is retaining members, though is at capacity with individuals increasingly travelling to Kilcoy to access the larger and more freely accessible facility.
- Internal marketing initiatives for August included:
  - promoting free passes for new enquiries, 'bring a friend' free events, and free parent passes;
  - promoting Kilcoy Army Cadets;
  - promoting reciprocal memberships with the Kilcoy Indoor Sports Centre; and
  - promotion of SRC activities and events.
- External marketing initiatives for August included:
  - Jayne Mackenzie's regular local newspaper column;
  - stories / adverts in local papers;
  - social media promotions;
  - free pass promotions for local business;
  - social media promotions; and
  - communications with Toogoolawah State High School regarding the continuation of the fitness certification program in 2020.
- There were no incidents recorded for the month of August.

#### *Kilcoy Indoor Sports Centre*

- There were 2176 attendees at the centre in August.
- The Centre had particularly good patronage from local high school students (270), through organised activities in collaboration with Kilcoy State High School
- Internal marketing initiatives for August included:
  - promoting council events, including the Mayoral Gala Ball;
  - promoting a free women's health week;
  - hosting local events and promoting these through posters and class announcements;
  - promoting the Army Cadets program;
  - promoting new classes;
  - fundraising for member competing in the Australian wood chop final; and
  - promotion of fitness challenge.

- External marketing initiatives for August included:
  - Jayne Mackenzie's weekly column for the local paper;
  - donating to local community organisations, including St Mary's Church, Kilcoy Race Club, Kilcoy Christmas Carnival and Kilcoy Show and Shine;
  - Jayne attended multiple functions through the hospital Women's Week;
  - Jayne attended the local Chamber of Commerce meeting;
  - social media promotion; and
  - advertising in school newsletter.
  
- There were no incidents recorded for the month of August.

### **3. Swimming pool operations**

The Esk Swimming Pool, Lowood Swimming Pool, Kilcoy Aquatic Centre and Toogoolawah Swimming Pool are now closed for the season. Maintenance and capital works tasks are being pragmatically targeted.

The Lowood Swimming Pool, Kilcoy Aquatic Centre and Toogoolawah Swimming Pool are scheduled and on track to open on Saturday 21 September, the first day of the September-October School Holidays.

The Esk Swimming Pool is currently scheduled to open on Saturday 28 September. Esk State School (ESS) is currently undertaking significant refurbishments to the facility including repainting the pool, repairs to the diving blocks and concourse, and removal of concrete obtrusions in the grassed areas. SRC has also installed additional pool fencing on the grounds to ensure effective control of patron traffic between the main entry, kiosk area and the pool. The SRO is currently finalising the Esk Swimming Pool Hire Agreement for 2019-2020 with ESS.

The Queensland Health Department released the Water Quality Guidelines for Public Aquatic Facilities in early September. These guidelines replace the previous Queensland Health Swimming and Spa Pool Water Quality and Operation Guidelines from October 2004. It is important to note that there are no Queensland Government laws for water quality at public aquatic facilities although, under the Public Health Act of 2005, a public aquatic facility must not pose a public health risk. There are a number of changes to recommended water quality parameters and risk classifications of aquatic facilities. The SRO has sort clarification on multiple items from Queensland Health and is working proactively with the SRC Environmental Health team and Somerset Leisure to ensure recommended parameters and personnel qualifications are in line with the guidelines.

The SRO has sort professional industry advice with regards to the SRC Safe Pool Operation Checklist, to bring the document into line with the latest Guidelines for Safe Pool Operation, Queensland Health Guidelines and Australian Standards.

The SRO, in conjunction with Somerset Leisure, has completed pool safety audits for the Lowood Swimming Pool, Kilcoy Aquatic Centre and Toogoolawah Swimming Pool.

### **4. Collaborate with local sport and recreation organisations in delivering activities and events that maximise facility use and provide access to opportunities and quality tuitions for residents, particularly young people**

In planning for the September – October School Holiday Program SRO has liaised with local



clubs and organisations to schedule activities within the region. Activities include canoeing on the Brisbane River and Somerset Dam, a tennis clinic in Esk and a multi-sport clinic at PCYC Ipswich.

**5. Build effective working relationships with local schools to assist with the development of sporting pathways for students within the region**

The fourth annual Somerset Sports Cup was held on 23 August 2019 at the Toogoolawah State High School (TSHS). Approximately 150 students from Lowood State High School (LSHS), Kilcoy State High School (KSHS) and TSHS competed in the carnival. The format includes junior (ages 12-14) and senior (ages 15-17) competitions in netball, soccer and touch football. SRC provide free transport for all school to attend the event, as well as first aid and coordination services. LSHS won the Somerset Sports Cup for only the second time, with combined teachers team (LSHS, KSHS and TSHS) defeating the combined police stations team. Police officers from Lowood, Goodna and Mt Gravatt participated. Deputy Mayor, Dan Hall, presented the trophies to all of the winners. Full list of winners below.

Junior Netball:	<b>LSHS</b>
Junior Soccer:	<b>LSHS</b>
Junior Touch Football:	<b>KSHS</b>
Senior Netball:	<b>KSHS</b>
Senior Soccer:	<b>LSHS</b>
Senior Touch Football:	<b>TSHS</b>
Somerset Sports Cup Champions:	<b>LSHS</b>

**6. Provide current and best practice administration advice for local sport and recreation clubs**

N/A for reporting period.

**7. Provide for the sporting and recreational needs of the local communities through each indoor sport centre and swimming pool**

SRO liaising with stakeholders regarding the Toogoolawah Community Gym and Business Case for a new facility in Toogoolawah. SRO report is currently on track to be submitted to Council in October. SRO submitted a report to Council regarding Sport and Recreation Needs Analysis for Kilcoy and surrounding areas, as well as the Fernvale area. SRO collaboratively worked with PCYC (incoming venue manager) and Belgravia Leisure (exiting venue manager) regarding venue manager transition.

SRO sourced quotes and met with consultants regarding potential recreational opportunities on Mount Glen Rock. Further research and discussion required.

**8. Progressively implement Parkland Strategies and Recreation Framework as resources become available**

N/A for reporting period.

**Attachments**

Nil

**Recommendation**

THAT Council receive the Sport and Recreation Report for the month of September 2019 and that the contents be noted.

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Hall

“THAT Council receive the Sport and Recreation Report for the month of September 2019 and that the contents be noted.”

Carried

Vote - Unanimous

<b>Subject:</b>	<b>Kilcoy Indoor Sports Centre and Toogoolawah Community Gym - Admission Fees</b>
<b>File Ref:</b>	<b>Service Provision - Recreation Facilities</b>
<b>Action Officer:</b>	<b>SRO</b>

**Background/Summary**

Clause 11.3 (3) of the Facility Management Agreement states that “Council must notify the Manager of its approval or non-approval of the Admission Fees within 21 days of receiving the details of the proposed Admission Fees”.

On 10 July 2019 at the Ordinary Council Meeting Somerset Regional Council awarded Somerset Health and Fitness the management of the Kilcoy Indoor Sports Centre for a period of five years and management of the Toogoolawah Community Gym for a period of three years, commencing 1 September 2019.

On 4 September 2019, in accordance with clause 11.3 (2), Somerset Health and Fitness proposed the below admission fees for the Kilcoy Indoor Sports Centre and Toogoolawah Community Gym, effective 1 September 2019 to 30 August 2020.

	Casual (Single Entry)	Weekly Pass	Monthly	3 Monthly	6 Monthly**
<b>Adult (18+)</b>	\$ 15.00	\$ 25.00	\$ 80.00	\$ 210.00	\$ 360.00
<b>Adult (18+) - Direct Debit*</b>	N/A	\$ 18.00	\$ 70.00	\$ 210.00	\$ 360.00
<b>Senior</b>	\$ 8.00	\$ 18.00	\$ 70.00	\$ 165.00	\$ 280.00
<b>Senior - Direct Debit</b>	N/A	\$ 16.00	\$ 55.00	\$ 165.00	\$ 280.00
<b>Junior (16-18)</b>	\$ 6.00	N/A	\$ 40.00	N/A	N/A
<b>Junior (16-18) - Direct Debit*</b>	N/A	N/A	\$ 40.00	N/A	N/A

\*Direct Debit has no lock in contract, cancellation fee or joining fee. Somerset Health and Fitness request 10 days notices to cancel or hold membership. This is all managed by ClubFit secure system.

\*\*Somerset Health and Fitness offer these special discounted prices for the new year and mid-year.

In addition to the above admission fees Somerset Health and Fitness also propose to offer the following prices for team sports and kids activities:

- Team Sports: \$60 per team
- Kids Activities: 4-weekly fee is \$15 per child and this covers an activity every afternoon Mon-Thurs.

The proposed admission fees are the same as the previous year, 1 September 2018 to 30 August 2020.

**Attachments**

Correspondence from Somerset Health and Fitness confirming proposed admission fee structure.

**Recommendation**

THAT Council approve the admission fees, as proposed by Somerset Health and Fitness, for the Kilcoy Indoor Sports Centre and Toogoolawah Community Gym for 2019-2020, effective 1 September 2019 to 30 August 2020, per clause 11.3 (3) of the Facility Management Agreement.

**Resolution**

Moved – Cr Brieschke

Seconded – Cr Ogg

“THAT Council approve the admission fees, as proposed by Somerset Health and Fitness, for the Kilcoy Indoor Sports Centre and Toogoolawah Community Gym for 2019-2020, effective 1 September 2019 to 30 August 2020, per clause 11.3 (3) of the Facility Management Agreement.”

Carried

*Vote - Unanimous*

<b>Subject:</b>	<b>Regional Road and Transport Group Status Report</b>
<b>File Ref:</b>	<b>Community services / service provision / regional roads and transport group committee</b>
<b>Action Officer:</b>	<b>DDM</b>

**Background/Summary**

The Northern South-East Queensland Regional Roads and Transport Group (NSEQ RRTG) Executive and Technical meetings were hosted by Sunshine Coast Regional Council at Nambour on Thursday 22 August 2019. Copies of the minutes are attached for Councillor's information.

Council's attention is drawn to the following points:

1. The presented expenditure report showed that 100% expenditure was achieved for TIDS funding at a regional and state-wide basis for 2018/19 financial year.
2. New program development process has been circulated for 2020/21 to 2023/24 with adoption needed prior to 20 February 2020. In the case of Somerset, this will mean Council's TIDS allocation of \$598,746 will extend to 2023/24 and will need to be reviewed by Council.

A future report will follow to Council about the development of the four years TIDS works program.

**Attachments**

RRTG Executive Committee Minutes 22 August 2019  
 RRTG Technical Committee Minutes 22 August 2019  
 RRTG Technical Committee Minutes 16 May 2019

**Recommendation**

THAT Council receive the Regional Roads and Transport Group Executive Committee Minutes 22 August 2019, Regional Roads and Transport Group Technical Committee Minutes 22 August 2019, Regional Roads and Transport Group Technical Committee Minutes 16 May 2019 and contents be noted.

**Resolution**

Moved – Cr Hall

Seconded – Cr Whalley

“THAT Council receive the Regional Roads and Transport Group Executive Committee Minutes 22 August 2019, Regional Roads and Transport Group Technical Committee Minutes 22 August 2019, Regional Roads and Transport Group Technical Committee Minutes 16 May 2019 and contents be noted.”

Carried*Vote - Unanimous*

<b>Subject:</b>	<b>Application for renewal of term lease over Lot 126 on C311615, Apple Tree Creek Road, Harlin</b>
<b>File Ref:</b>	<b>Rates and Government valuations - notifications - 2019 - 2020 - leases (road licence - permit to occupy - stock grazing permit) (1138429)</b>
<b>Action Officer:</b>	<b>CD</b>

**Background/Summary**

An email has been received from the Department of Natural Resources, Mines and Energy, reference 2018/000107, seeking Council's view regarding the renewal of term lease over Lot 126 on C311615, Apple Tree Creek Road, Harlin.

The Department is looking for Council's comments in relation to the following:

- On expiry of the existing lease, would you (Council) as Trustee be prepared to offer the current lessee a Trustee Lease or Trustee Permit over the subject area in accordance with Section 57 of the Land Act 1994 and Policy PUX/901/210 – Leases over reserves.
- If entering into a Trustee Lease or Trustee Permit is not an option, your views or requirements to the granting of a new term lease over the subject area

Council is not aware of any local non-indigenous or cultural heritage values over the area to be considered.

**Attachments**

SmartMap of Lot 126 on C311615

**Recommendation**

THAT Council advise the Department of Natural Resources and Mines with regard to Lot 126 on C311615, Apple Tree Creek Road, Harlin, reference number 2018/000107 the following:

1. On expiry of the existing lease, Council (as Trustee) would be prepared to offer the current lessee a Trustee Lease or Trustee Permit over the subject area in accordance with Section 57 of the Land Act 1994 and Policy PUX/901/210 – Leases over reserves.

2. Council is not aware of any local non-indigenous or cultural heritage values over the area to be considered.
3. The area is to be kept free of noxious weeds and that access to the road reserves north and south of the leased area be available if required by adjacent landholders or public authorities.

<b>Resolution</b>	Moved – Cr Whalley	Seconded – Cr Ogg
<p>“THAT Council advise the Department of Natural Resources and Mines with regard to Lot 126 on C311615, Apple Tree Creek Road, Harlin, reference number 2018/000107 the following:</p> <ol style="list-style-type: none"> <li>1. On expiry of the existing lease, Council (as Trustee) would be prepared to offer the current lessee a Trustee Lease or Trustee Permit over the subject area in accordance with Section 57 of the Land Act 1994 and Policy PUX/901/210 – Leases over reserves.</li> <li>2. Council is not aware of any local non-indigenous or cultural heritage values over the area to be considered.</li> <li>3. The area is to be kept free of noxious weeds and that access to the road reserves north and south of the leased area be available if required by adjacent landholders or public authorities.”</li> </ol> <p style="text-align: right;"><u>Carried</u></p> <p style="text-align: center;"><i>Vote - Unanimous</i></p>		

<b>Subject:</b>	<b>Medical Assistance Wheelie Bin Service</b>
<b>File Ref:</b>	<b>Waste management - fees and charges - garbage</b>
<b>Action Officer:</b>	<b>CSSA</b>

#### **Background/Summary**

Council has received a request from Queensland Health on behalf of their patient who is a resident from Somerset Region undertaking home dialysis medical treatment every day. Queensland Health states that this medical treatment generates extra waste and has requested assistance from Council by supplying another general wheelie bin service at this property at no extra charge to the resident. It is noted that this waste is not cytotoxic.

Queensland Health indicated that other councils assist by providing an extra general waste bin at no cost to the residents receiving medical treatment. It has been confirmed that Logan City Council, Ipswich City Council and Redland City Council offers an additional wheelie bin free of charge to residents, who directly, as a result of a medical condition generating greater quantities of domestic waste, for example, a home dialysis patient who will have large quantities of plastic waste, cardboard and containers.

Somerset Regional Council currently provides an infirm wheelie bin service (via a supported application) where the resident suffers from ill health or other physical or mental incapacity, and no householder in a particular residential premise is reasonably able to place a wheelie bin at the kerb, at no extra cost.

It is suggested that Council consider offering a similar service to Somerset residents with medical conditions generating greater quantities of domestic waste with the following conditions proposed:

- (i) A written application is made on the prescribed form and is accompanied by written advice from a medical practitioner stating that the applicant will, as a result of their medical condition, require assistance disposing of additional waste.
- (ii) Will only be provided to properties within a wheelie bin serviced area and will be provided at no additional charge.
- (iii) May be in the form of an additional 140 or 240 litre domestic wheelie bins or an additional 240 litre recyclable waste wheelie bin.

#### Attachments

Extract of Revenue Statement - Somerset Regional Council Budget 2019

#### Recommendation

THAT Council include the following words in the Revenue Statement Clause 7.2 as follows -

An additional wheelie bin service may be provided to residents who in the opinion of the Chief Executive Officer, directly as a result of a medical condition, generate significantly greater quantities of domestic waste and/or recyclable waste, subject to the following conditions:

- (i) A written application is made on the prescribed form and is accompanied by written advice from a medical practitioner stating that the applicant will, as a result of their medical condition, require assistance disposing of additional waste.
- (ii) Will only be provided to properties within a wheelie bin serviced area and will be provided at no additional charge.
- (iii) May be in the form of an additional 140 or 240 litre domestic wheelie bins or an additional 240 litre recyclable waste wheelie bin.

#### Resolution

Moved – Cr Whalley

Seconded – Cr Gaedtke

“THAT Council include the following words in the Revenue Statement Clause 7.2 as follows -

An additional wheelie bin service may be provided to residents who in the opinion of the Chief Executive Officer, directly as a result of a medical condition, generate significantly greater quantities of domestic waste and/or recyclable waste, subject to the following conditions:

- (i) A written application is made on the prescribed form and is accompanied by written advice from a medical practitioner stating that the applicant will, as a result of their medical condition, require assistance disposing of additional waste.
- (ii) Will only be provided to properties within a wheelie bin serviced area and will be provided at no additional charge.
- (iii) May be in the form of an additional 140 or 240 litre domestic

wheelie bins or an additional 240 litre recyclable waste wheelie bin."

Carried

*Vote - Unanimous*

### Staff Service Presentations

The Mayor presented certificates of service and gifts to Natalie Daniells, Records Officer and Peter Hoar, Plumbing Inspector, in recognition of 15 years' service to Council. The Mayor and Councillors thanked Natalie and Peter for their service.

### Adjournment of Meeting

The meeting adjourned at 9.58 am for morning tea, resuming at 10.20 am.

<b>Subject:</b>	<b>Community Assistance Grants – Somerset Excellence Bursary 2019 – 2020 – Taylah Carey – Doc Id 1141094, Ethan Versace – Doc Id 1139629, Jessica Versace – Doc Id 1139630, Isiah Armstrong - Ravula – Doc Id 1138923</b>
<b>File Ref:</b>	<b>Community Relations – Sponsorships – Somerset Excellence Bursaries</b>
<b>Action Officer:</b>	<b>CCSO</b>

### Background/Summary

Council has received applications for Somerset Excellence Bursaries as follows:

Applicant	Event	Venue and Date	Level
Karly Carey on behalf of her daughter Taylah Carey	Queensland School Sport 13-19 years track and field championships	Cairns 19-22/10/2019	Regional \$100
Tracey Versace on behalf of her son Ethan Versace	Queensland School Sport 13-19 years track and field championships	Cairns 19-22/10/2019	Regional \$100
Tracey Versace on behalf of her daughter Jessica Versace	Queensland School Sport 13-19 years track and field championships	Cairns 19-22/10/2019	Regional \$100
Stephen Armstrong-Ravula on behalf of his son Isiah Armstrong-Ravula	Junior Rugby Championship	Canberra 29/09/2019 - 5/10/2019	State \$300

These applications are considered as part of the Community Assistance Grant Policy which provides funding of Somerset Excellence Bursaries at a Regional, State or National Level.

### Attachments

Nil

### Recommendation

THAT Council approve the Somerset Excellence Bursary applications as summarised in this report and \$600 funding be granted through the Community Assistance Grants budget

allocation to the following applicants.

<b>Applicant</b>	<b>Event</b>	<b>Venue and Date</b>	<b>Level</b>
Karly Carey on behalf of her daughter Taylah Carey	Queensland School Sport 13-19 years track and field championships	Cairns 19-22/10/2019	Regional \$100
Tracey Versace on behalf of her son Ethan Versace	Queensland School Sport 13-19 years track and field championships	Cairns 19-22/10/2019	Regional \$100
Tracey Versace on behalf of her daughter Jessica Versace	Queensland School Sport 13-19 years track and field championships	Cairns 19-22/10/2019	Regional \$100
Stephen Armstrong-Ravula on behalf of his son Isaiah Armstrong-Ravula	Junior Rugby Championship	Canberra 29/09/2019 5/10/2019	State \$300

<b>Resolution</b>	Moved – Cr Brieschke Seconded – Cr Ogg		
	"THAT Council approve the Somerset Excellence Bursary applications as summarised in this report and \$600 funding be granted through the Community Assistance Grants budget allocation to the following applicants.		
<b>Applicant</b>	<b>Event</b>	<b>Venue and Date</b>	<b>Level</b>
Karly Carey on behalf of her daughter Taylah Carey	Queensland School Sport 13-19 years track and field championships	Cairns 19-22/10/2019	Regional \$100
Tracey Versace on behalf of her son Ethan Versace	Queensland School Sport 13-19 years track and field championships	Cairns 19-22/10/2019	Regional \$100
Tracey Versace on behalf of her daughter Jessica Versace	Queensland School Sport 13-19 years track and field championships	Cairns 19-22/10/2019	Regional \$100
Stephen Armstrong- Ravula on behalf of his son Isaiah Armstrong-Ravula	Junior Rugby Championship	Canberra 29/09/2019 - 5/10/2019	State \$300
<i>Vote - Unanimous</i>			<u><i>Carried</i></u>

<b>Subject:</b>	<b>Community Assistance Grants 2019 - 20 - Summary of Applications - Funding Round One Closed 30 August 2019</b>
<b>File Ref:</b>	<b>Community Relations – Sponsorships – Donations</b>
<b>Action Officer:</b>	<b>DHRCS</b>

#### **Declaration of Conflict of Interest by Cr Brieschke - Toogoolawah Christmas Tree**

In relation to the item 'Community Assistance Grants 2019 - 20 Summary of Applications - Funding Round One Closed 30 August 2019 at page pages 138 and 139 of the agenda, and in particular the *Toogoolawah Christmas Tree* item at page 152, I declare that I have a conflict



of interest in this matter as defined by section 157D of the *Local Government Act (2009)* as follows:

I hold the position of Secretary of the auspicing body of the Toogoolawah Christmas Tree, the Toogoolawah and District Progress Association Inc.

I will be dealing with this declared conflict of interest by leaving the meeting while this matter is being discussed and voted on.

### Background/Summary

A total of thirteen (13) applications were received for community assistance grants for Round one (1) of 2019 – 2020 financial year.

The budget allocation for 2019-2020 financial year is \$159,120.

Available funds as of 11 September 2019 are approximately \$133,866.32. Given the total recommendations for funding from this round total \$21,253.00 there would a remaining available balance of approximately \$112,613.32 for the remainder of the financial year should all recommendations be approved.

Community assistance grants applications for round one (1) of 2019-2020 financial year are summarised below.

Doc #	Applicant	Amount requested	Amount recommended for approval
1137994	Esk Men's Shed Inc	\$4,530	\$2,930
1138067	Esk Pastoral Agricultural and Industrial Association Inc.	\$3,200	\$1,000
1138085	Glamorgan Vale Community Hall Association Inc.	\$ 550	\$1,000 plus in kind support
1138327	Kilcoy District Progress Alliance Inc.	\$2,323	\$2,323
1138130	Kilcoy Gymnastics Club Inc.	\$994.12	\$ 500
1137954	Linville Hall Committee Inc.	\$7,920	\$5,000
1137542	Lions Club of Kilcoy Inc.	\$ 11,752.73	\$1,000
1134401	Lowood Show Society Inc.	\$ ,000	\$1,000
1134463	Marburg and Districts Residents Association Inc.	\$1,500	\$ 0
1138731	No 23 Squadron Assoc. (QLD) Inc.	In-kind support	Up to a maximum of \$2,500 (in kind)
1109837	Scripture Union Queensland – School Chaplaincy	\$429.90	\$ 500
1138084	Toogoolawah Clay Target Club Inc.	\$2,500	\$2,500
1138188	Toogoolawah Christmas Tree	\$1,000	\$1,000
	<b>Total</b>	<b>\$38,700</b>	<b>\$21,253.00</b>

### Attachments

Individual applications for funding through the Community Assistance Grant scheme are attached for information only.

**Recommendation**

THAT Council approve for funding the community assistance grant applications as summarised in this report for round one (1) of 2019-2020 financial year and \$21,253 be granted through the Community Assistance Grants budget allocation to the following applicants.

Doc #	Applicant	Amount requested	Amount recommended for approval
1137994	Esk Men's Shed Inc	\$4,530	\$2,930
1138067	Esk Pastoral Agricultural and Industrial Association Inc.	\$3,200	\$1,000
1138085	Glamorgan Vale Community Hall Association Inc.	\$ 550	\$1,000 plus in kind support
1138327	Kilcoy District Progress Alliance Inc.	\$2,323	\$2,323
1138130	Kilcoy Gymnastics Club Inc.	\$994.12	\$ 500
1137954	Linville Hall Committee Inc.	\$7,920	\$5,000
1137542	Lions Club of Kilcoy Inc.	\$11,752.73	\$1,000
1134401	Lowood Show Society Inc.	\$2,000	\$1,000
1134463	Marburg and Districts Residents Association Inc.	\$1,500	\$ 0
1138731	No 23 Squadron Assoc. (QLD) Inc.	In-kind support	Up to a maximum of \$2,500 (in kind)
1109837	Scripture Union Queensland – School Chaplaincy	\$ 429.90	\$ 500
1138084	Toogoolawah Clay Target Club Inc.	\$2,500	\$ 2,500
1138188	Toogoolawah Christmas Tree	\$1,000	\$ 1,000
	<b>Total</b>	<b>\$ 38,700</b>	<b>\$ 21,253</b>

**Resolution**

Moved – Cr Gaedtke

Seconded – Cr Hall

“THAT Council approve for funding the community assistance grant applications as summarised in this report for round one (1) of 2019-2020 financial year and \$21,253 be granted through the Community Assistance Grants budget allocation to the following applicants.

Doc #	Applicant	Amount requested	Amount recommended for approval
1137994	Esk Men's Shed Inc	\$4,530	\$2,930
1138067	Esk Pastoral Agricultural and Industrial Association Inc.	\$3,200	\$1,000
1138085	Glamorgan Vale Community Hall Association Inc.	\$ 550	\$1,000 plus in kind support
1138327	Kilcoy District Progress Alliance Inc.	\$2,323	\$2,323
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1137954	Linville Hall Committee Inc.	\$7,920	\$5,000
1137542	Lions Club of Kilcoy Inc.	\$11,752.73	\$1,000
1134401	Lowood Show Society Inc.	\$2,000	\$1,000
1134463	Marburg and Districts Residents Association Inc.	\$1,500	\$ 0
1138731	No. 23 Squadron Assoc. (QLD) Inc.	In-kind support	Up to a maximum of \$ 2,500 (in kind)
1109837	Scripture Union Queensland – School	\$ 429.90	\$ 500

	Chaplaincy		
<b>1138084</b>	Toogoolawah Clay Target Club Inc.	\$2,500	\$2,500
	<b>Total</b>	<b>\$ 37,700</b>	<b>\$ 20,253</b>
<i>Vote - Unanimous</i>			<u>Carried</u>

Cr Brieschke left the meeting at 10.23 am.

Doc #	Applicant	Amount requested	Amount recommended for approval
<b>1138188</b>	Toogoolawah Christmas Tree	\$1,000	\$1,000

<b>Resolution</b>	Moved – Cr Whalley Seconded – Cr Ogg		
	“THAT Council approve for funding the community assistance grant application as summarised below for round one (1) of 2019-2020 financial year and \$1,000 be granted through the Community Assistance Grants budget allocation to the following applicant -		
<b>Doc #</b>	<b>Applicant</b>	<b>Amount requested</b>	<b>Amount recommended for approval</b>
<b>1138188</b>	Toogoolawah Christmas Tree	\$1,000	\$ 1,000"
<i>Vote - Unanimous</i>			<u>Carried</u>

Cr Brieschke returned to the meeting at 10.24 am.

### Meetings authorised by Council

#### 2019 IPWEAQ Conference - 22 - 24 October 2019

Cr Gaedtke requested authorisation to attend the 2019 IPWEAQ Conference to be held at the Royal International Convention Centre Brisbane on 24 October 2019.

<b>Resolution</b>	Moved – Cr Whalley Seconded – Cr Brieschke		
	“THAT Cr Cheryl Gaedtke be authorised to attend the 2019 IPWEAQ International Convention Centre Brisbane on 24 October 2019.”		
<i>Vote - Unanimous</i>			<u>Carried</u>

## Mayor and Councillor Reports

### Cr Gaedtke - Councillor report

*September 2019*

- 11 Meeting - Aged and social/public residential housing  
Cr Brieschke and I met our CDO to discuss this matter.
- 12 Brisbane Valley Interagency – Lowood  
A very well attended meeting, with lots of information sharing.
- 12 Esk Hospital Auxiliary AGM  
A well supported AGM, and an explanation of the funds raised and how it has benefited the Esk Hospital. It was interesting to meet the DON, Deb O'Brien and to learn of her duties and the valuable connection with Gatton Hospital.
- 13 Somerset Region Community Support Assn Committee Meeting – Toogoolawah  
Discussion took place around the distribution of community funds to the community.
- 13 Kilcoy District Rugby League Club – Annual Presentation Night  
Lots of gratification and recognition of the hard work endured by the team in an effort to reach the football finals. A certificate was presented to Council recognising its assistance.
- 14 Salubrious – Archer Falls Airfield  
A well-attended event with surplus funds going directly to the Endeavour Foundation.
- 17 Kilcoy Race Club – AGM  
A very well supported and administered AGM, a big welcome to all incoming Committee Members.
- 19 Kilcoy Chamber of Commerce Monthly Meeting  
It was interesting to share Mr Jack McSweeney's (Glass House electorate Queensland Youth Parliament Representative) visions and future goals.
- 21 Yadjji Gadji Working Group Meeting  
Meeting was held over due to inability of some members' attendance.
- 24 Kilcoy RSL – Call in and have a chat and share morning tea  
A nice selection of morning tea and shared conversation.
- 24 Kilcoy Interagency Meeting  
A very worrying point was raised by one service provider, that involves the continuation of the desperately needed service, Headspace.

### Cr Brieschke - Councillor report

*September 2019*

- 12 Brisbane Valley Interagency meeting, Lowood  
Meeting with Col McNamara re Seniors Accommodation and general information  
Esk Hospital Auxiliary AGM
- 13 Somerset Region Community Support Association meeting, Toogoolawah  
Esk Hospital Auxiliary Movie Night fundraiser event
- 16 Toogoolawah High School P & C meeting
- 17 Somerset Regional Council Pest Management Working Group meeting
- 18 Somerset Partner Project Foundation Group meeting - Youth Wellbeing
- 19 Toogoolawah State High School Support Services meeting
- 21 Meeting to organise the McConnell Park, 'Rotunda' Centenary

The Toogoolawah and District History Group and Apostolic Church Band will be holding a celebration to mark the Centenary of the 'Rotunda' at McConnell Park, Toogoolawah, Saturday, 30 November. They are seeking images and stories relating to the Rotunda's history to be displayed on the day. Please contact the History Group on 0455 177 679 or through their Facebook page.

### Cr Hall - Councillor report

17 September 2019 - Attending the Pest Management Workshop Esk, noting that it was a really good workshop.

21 September 2019 - Attended Country High Tea at Kilcoy Art Gallery on the Deck, which was a great event.

### Mayor's Report - Cr Lehmann

Report of Mayor's Activities From 29 August 2019 to 25 September 2019 -

Tuesday 3 September 2019	9.30 am 10 am 2.30 pm 6 pm	Conducted Citizenship Ceremony - Mayor's office Conducted further Citizenship Ceremonies - Simeon Lord room, Esk Sgt Bruce Peel and ACEO, meeting at Lowood office re proposed community engagement exercise Fernvale Lions meeting regarding Relay for Life
Saturday 7 September 2019	8.30 am 6.30 pm	Kilcoy Show and Shine, Kilcoy Showgrounds, fundraising event for Kilcoy State School Mayoral Gala Ball, Somerset Civic Centre, Esk
Sunday 8 September 2019	2.30 pm 4.30 pm onwards	Esk Community Choir concert at Alexandra Hall, Toogoolawah - Interview with ABC radio re bushfires in the region - Meeting with Adam Staunton, Disaster Management Officer, Simeon Lord room, Esk - Attended at Linville fire front with Cr Brieschke and Andrew Johnson and spoke to the Officer in Charge
Monday 9 September 2019	8 am 7 pm	Interviews Lowood Lions meeting
Tuesday 10 September 2019	11.45 am 6 pm	Government House luncheon with ACEO and South East Queensland Mayors and CEO's Neighbourhood Watch AGM at Lowood Lions Den
Wednesday 11 September 2019	8 am 9 am	Audit Committee meeting, Esk Council meeting
Thursday 12 September 2019	2 pm	Esk Hospital Auxiliary AGM at Esk Visitor Information Centre
Friday 13 September 2019	9 am 9.30 am	Council of Mayors Resilient Rivers meeting Council of Mayors Board meeting

	2 pm	Queensland Urban Utilities Strategy Workshop with SEQ Mayors, Brisbane
Saturday 14 September 2019	8 am	Prenzlau State School 125th Anniversary Open Day and Fair
Monday 16 September 2019	10 am	Met with Phillip Bell, CEO, Ipswich Chamber of Commerce and Industry re: Local Food and Agribusiness Network, with ACEO
Tuesday 17 September 2019	9.30 am	Pest Management Working Group meeting, Simeon Lord Room, Esk
Wednesday 18 September 2019	3 pm	Kilcoy Race Club AGM
	11 am	Deane Goode, signing joint submission re regional immigration at Esk Office
Thursday 19 September 2019	1 pm	Youth Mental Health Collaboration meeting at Esk
	1 pm	Ipswich District Disaster Management Group meeting, Yamanto Police Station
	6 pm	Attended 2019 Get Ready Queensland Resilient Australia Awards (Government Award) at the Rydges Hotel, Brisbane with Director of Operations, Andrew Johnson where Somerset Regional Council was a joint winner with Lockyer Regional Council and Ipswich City Council. Andrew Johnson noted that Mr Tony Jacobs, retired Director Operations of Somerset Regional Council, conducted much of the groundwork for this award.
Saturday 21 September 2019	10 am	Attended Brisbane Valley Rattlers trophy presentation and Family Fun Day at Fernvale Sports Park
	2 pm	Attended A Country High Tea fundraiser at Kilcoy Art Gallery
Monday 23 September 2019	7 pm	Lions meeting
Tuesday 24 September 2019	7 pm	Mid Brisbane River Irrigators AGM, Fernvale Futures

**Resolution**

Moved - Cr Whalley

Seconded - Cr Ogg

"THAT Council receive the verbal and written reports of Crs Gaedtke, Brieschke, Hall and Mayor Lehmann, and that the contents be noted."

Carried

Vote - Unanimous

**Receipt of Petition**

Nil

**Consideration of notified motions**

Nil

**Reception of notices of motion for next meeting**

Nil

**Items for reports for future meetings**

Nil

**Closure of Meeting**

***Summary***

There being no further business, Mayor Graeme Lehmann closed the meeting at 10.28 am.